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Initial reports of States parties due in 1993

Addendum

# SRI LANKA

[23 March 1994]

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# I. CURRENT SITUATION, TRENDS AND CRITICAL ISSUES - AN OVERVIEW

## Historical and socio-economic context

1. The policies and institutions in Sri Lanka that are concerned with the well-being of children have evolved over a long period and have been developed as an integral part of the country's major social welfare programmes. Although these were designed for the population as a whole and covered all age groups, their beneficial impact on children has been far-reaching. These programmes included the free health services, free education from the primary to the tertiary stages and the subsidized food ration which was replaced by a food stamp scheme in 1978. From the early 1940s, the Government has consistently allocated substantial resources to these programmes to extend their reach to all parts of the country and serve all social strata.

2. In each of these programmes the component relating to early childhood received special attention. In the national health system, the quality and the reach of the maternal and child health care services resulted in the rapid decline in infant, child and maternal mortality which was quite exceptional for a low income country. The expansion of the educational system led to high rates of participation at the primary and secondary levels with school enrolment at the primary level reaching 90 per cent by the early 1960s. The food subsidies combined with special feeding programmes for needy mothers and pre-school children, as well as midday meals for schoolchildren, provided a fair degree of food security for poor households. Through these programmes, the State assumed a large measure of responsibility for providing the basic needs of children. They created the conditions which protected and ensured the rights of children for survival, education and health. The spread of education and the high rates of participation in schooling, particularly at the primary level, helped to control and reduce child labour. The high participation of female children in education progressively enhanced the capacity of mothers to protect the health of their children, fully utilize available maternal and child health services, adopt family planning and generally raise the quality of life at the household level. The ratio of child dependency has fallen steadily. In 1971 the proportion of the age group below 18 was approximately 45 per cent, in 1991 it had fallen to about 41 per cent. The population projections for 2001 estimate that it would have dropped to 37 per cent by that year.

## Political context

3. The democratic political system and the way in which it operated has been strongly supportive of the processes which expanded and strengthened the social welfare programme. A representative system based on universal adult franchise was introduced into Sri Lanka in the early 1930s. With independence in 1948, it developed into a full fledged multi-party parliamentary democracy. The competitive political system that evolved became unusually responsive to the basic social and economic needs of the population. The welfare ideology in which the State assumed responsibility for the services related to basic needs and were protective of the poorer segments of the population influenced the policies of all governments which came to power. For example, it shaped the development policies which gave high priority to the distribution of State land to the landless poor with a generous package of assistance. One of the major social objectives of policy makers was to protect the consumer from the

increase of prices of essential consumer goods and for this purpose they used a variety of controls and instruments such as subsidies and administered prices. Items which had a direct impact on the well-being of children such as infant milk food received attention in the implementation of these policies.

4. With the economic reforms of 1977 there has been a break with the past policies which relied heavily on State management of the economy and the use of regulatory measures and instruments such as the subsidies. However, in the effort to develop an efficient market economy the major parts of the social welfare system such as free education and free health services have been retained intact. The food stamp scheme has been targeted to the poorer half of the population and now covers approximately 40 per cent of the population. Alongside these welfare programmes the Government is implementing a large-scale programme for the alleviation of poverty which is designed to raise the income-earning capacity of low-income households to take them above the poverty level.

5. The Constitution of Sri Lanka enacted in 1978 makes special provision for the protection of fundamental rights in a chapter on fundamental rights and further defines the fundamental duties and directive principles of State policy in a separate chapter. The chapter on fundamental rights includes the freedom of speech, thought, conscience and religion; association and assembly; protection against torture; non-discrimination on the grounds of race, religion, caste, language, gender or political opinion; protection from arbitrary arrest and detention and right to the due processes of the law. In the statement on national objectives in the chapter on Directive Principles, the State is pledged to a social order in which justice (social, economic and political) guides all the institutions of national life, where all citizens realize an adequate standard of living, and where there is equitable distribution of the material resources of the community and the means of production, distribution and exchange.

6. The State is committed to protect the family as a basic unit of society; to promote with special care the interests of children and youth so as to ensure their full physical, mental, moral, religious and social development and to eradicate illiteracy completely.

Social indicators and the social welfare system

7. Table 1 presents the social indicators for Sri Lanka based on the latest information available. Table 2 contains the main elements of the prevailing social welfare system which have special relevance for the well-being of children.

**TABLE 1**

**Social indicators - Sri Lanka**

| | | |
|---|---|---|
| **Demographic indicators** | | |
| Total population (1992) (millions) | - | 17.4 |
| Population growth rate (1992) | - | 1.2 |
| Children 0-4 years (percentage of total) | - | 12 |
| Children 5-9 years (percentage of total) | - | 10.8 |
| Children 10-14 years (percentage of total) | - | 10.8 |
| Children 15-18 years (percentage of total) | - | 7.8 |
| Child dependency ratio (1991) | - | 51 |
| Urban population (percentage of total) | - | 22 |
| **Health indicators** | | |
| Infant mortality rate (1991) | - | 18.0 |
| Maternal mortality rate (1990) | - | 0.6 |
| Total fertility rate (1990) | - | 2.6 |
| Under 5 years mortality rate (1990) | - | 5.0 |
| Low birth weight babies (1990) | - | 23% |
| Population with safe drinking water | - | 30% - Rural |
| | - | 72% - Urban |
| Prevalence of malnutrition (1988/89) - Stunting | - | 36.4% |
| - Wasting | - | 18.4% |
| Crude birth rate (1991) | - | 20.0 |
| Crude death rate (1991) | - | 5.6 |
| Total fertility rate (1991) | - | 2.5 |
| Life expectancy at birth (1992) | - | 69 yrs. - (M) |
| | - | 73 yrs. - (F) |
| Daily calorie supply (1991) | - | 2 339 |
| Population per doctor (1990) | - | 6 089 |
| Beds per 1 000 population (1992) | - | 2.8 |
| Rate of natural increase (1990) | - | 1.4 |
| Total public expenditure on health as % of GDP (1992) | - | 1.6 |

**TABLE 1 (continued)**

| | | | |
|---|---|---|---|
| **Economic indicators** | | | |
| GDP growth rate | - 1990 | - | 6.2 |
| | - 1991 | - | 4.6 |
| | - 1992 | - | 4.3 |
| GNP per capita US$ | - 1992 | - | 494 |
| GNP per capita growth rate | - 1991 | - | 3.0 |
| | - 1992 | - | 3.5 |
| Rate of inflation | - 1990 | - | 21 |
| | - 1991 | - | 12 |
| | - 1992 | - | 11 |
| Labour force participation rate (1992) | | - | 48 |
| Unemployment rate (1992) | | - | 16 |
| Household under poverty line (1986/87) (percentage of total number) | | - | 27.4 |
| **Educational indicators** | | | |
| Primary school enrolment ratio (1990) | | - | 107 |
| Secondary school enrolment ratio (1990) | | - | 74 |
| Tertiary school enrolment ratio (1990) | | - | 4 |
| Public expenditure on education as a % of GDP (1992) | | - | 2.3 |
| Adult literacy rate (1990) | | - | 93.4 (M) |
| | | - | 83.5 (F) |
| Overall pupil/teacher ratio (1992) | | - | 23.5% |

Source: - Annual Health Bulletin - 1992

- World Development Report - 1993

- Central Bank Annual Reports 1991 and 1992

- Department of Census and Statistics - Population Statistics - 1993

- Gunaratne 1989 - op. cit. in "The socio-economic dimensions in poverty in Sri Lanka and policy implications" - M.J.D. Hopkins and T. Yogaratnam.

**TABLE 2**

**The Social Welfare System - Structure and Coverage**

**A. Social assistance**

| | Expenditure (1991 approved estimates) | 1992 1/ Rs. Ml. | Rs. per capita | Coverage |
|---|---|---|---|---|
| Health | Current<br>Capital | 4 571<br>2 020 | 263.00<br>116.00 | The entire population. State finances approximately 60 per cent of total national recurrent health expenditure. |
| Education | Current<br>Capital | 7 657<br>2 007 | 440.00<br>115.00 | All households have access to free education. Student population approximately 4.3 million - average annual benefits approximately Rs. 1 780 per child (current). |
| Food stamp scheme | | 4 536 | | 6.8 million beneficiaries. Average annual per capita benefit Rs. 715.00 per capita - 13 per cent (approx.) of income at poverty line for household of five. |
| School midday meal | | 1 500 (1992) 2/ | | |
| School textbooks | | | | Rs. 520 per student per year. |
| Bus season tickets | | 135 (1992) 3/ | | |
| School uniforms | | 600 | | Rs. 140 per student per year. |
| Thriposha | | 110 (1991) | | (130 000 mothers, approximately 65 000 infants, 345 000 preschool) Annual average cost per beneficiary Rs. 203.00. |
| Public assistance | | 545 (1991) | | 242 500 recipients, approximately Rs. 2 250 per recipient per year - approximately 750 000 recipients and dependents. |
| TB & leprosy<br>Cancer allowances | | Rs. 5.7 million (1988) | | 3 450 beneficiaries<br>Monthly allowance ranging from Rs. 250-Rs. 500. |
| Relief of distress | | Varying | | |
| Drought | | Rs. 28 million (1987)<br>Rs. 22 million (1988) | | 477 000 families<br>466,000 families |

**TABLE 2 (continued)**

| | Expenditure (1991 approved estimates) | 1992 1/ Rs. Ml. | Rs. per capita | Coverage |
|---|---|---|---|---|
| Floods | | Rs. 9 million (1986)<br>Rs. 2 million (1988)<br>Rs. 46 million (1989) | | 54,000 families |
| Earthslip | | Rs. 4 million (1986)<br>Nil (1988) | | 19 000 families |
| Janasaviya | | Rs. 4 500 (1992) | | Rs. 1 458.00 (Consumption Grant) Approximately 10 per cent of F.S. receivers annually. |

1/ Provisional figures from Annual Report, Central Bank - 1992.

2/ From Budget Estimates - 1992.

3/ From CTB (amount received from education).

## B. Social security

| | |
|---|---|
| Employees Provident Fund | Employees in private sector firms/public sector corporations. 20 per cent of wages - 12 per cent contributed by employers, 8 per cent by employees. Approximately 1.3 million active accounts. |
| Employees Trust Fund | 3 per cent of wages, balance in Fund Rs. 2.8 billion. (1991) |
| Termination Gratuity | ½ month per year for those with five year service. Fourteen days per year for daily paid workers. |
| Pensions - Government employees<br>- Widows and Orphans Pension Fund | Rs. 6.3 billion (1991) 75 per cent-80 per cent of retiring salary. All permanent employees in public service including local government employees. Full pension to widows and orphans. |
| Farmers Pension and Social Benefit Scheme | Proposal to commence scheme in 1992. |
| Agricultural Crop Insurance | Inadequate coverage. |

Hard-core problems and emerging challenges

8. Despite the unusual success which Sri Lanka has had in respect of child survival and reduction of infant and child mortality, some of the social indicators point to a sizeable segment of the child population who suffer from various types of deprivation. Beneath national averages that have been cited, there are regional variations and groups of disadvantaged children which require special attention. The plantation sector, with large concentrations of resident workers of Indian descent, lagged behind the national averages for a long period after independence. There has, however, been a substantial improvement in the recent past both in terms of health and child survival. However, the field of education, in terms of participation, retention in schooling and quality of the facilities available to the plantation sector, can be regarded as a relatively deprived area. Here again, the National Action Plan for Children has given the plantation sector special attention.

9. The most disturbing indicator is the high level of malnutrition - about 17 per cent for acute and 32 per cent for chronic malnutrition for children below five years of age. The proportion of infants with low birth weight is in the region of 23 per cent. According to the data available from household surveys nearly 30 per cent of households live below the poverty line. According to figures available for 1988, it is estimated that approximately 11 per cent of children do not enter school and although the drop-out rate has declined substantially the proportion reaching the tenth grade in 1988 was still about 60 per cent of the cohort of pupils who had entered the school system at the first grade. Unemployment among school leavers and university graduates reached very high levels in the mid-1970s and continued to remain high during the 1980s. The 1990s have shown some signs of improvement and reduction in unemployment. Nevertheless, unemployment among school leavers and youth, which continues to be high, remains a critical issue.

10. The military conflict in the North continues to affect the political environment for the protection of children's well-being. The constitutional rights and freedoms are subject to the restrictions imposed under emergency rule for purposes of security. Children form a significant part of the refugees and persons displaced as a result of the conflict. The young age group is specially vulnerable to the enforcement of security measures. The Government has established institutions which monitor the prevailing situation closely, prevent abuses and mitigate the hardships. These are discussed in greater detail in the relevant section of the report.

11. Alongside the hard-core problems which have persisted, new problems are emerging which can have harmful impacts on the well-being of children. The rapid expansion of tourism has created conditions and opportunities which result in the exploitation of children in various forms. Child prostitution and drug addiction are causing concern. The increasing participation of women in the workforce and the changes in gender relations and lifestyles are affecting the family environment and changing the pattern of childcare and

upbringing. The exposure of the young to the outside world through the print and audio-visual media are having both positive as well as negative effects; the processes of formal and non-formal education have to develop the capacities of the young to respond to these influences critically and select intelligently from among them.

## II. GENERAL PRINCIPLES

### Definition of the child

12. The definition of "the child" is vitally important for providing the necessary protection to children and for safeguarding the rights specific to children. There is however no single legal definition of the state of being a child under Sri Lankan law. The Children's Charter has defined the child as a person under 18 years of age. It should be noted however that the Children's Charter to which reference is made throughout the text is not legally enforceable or binding. It was the national document produced by Government to declare its commitment to the United Nations Convention on the Rights of the Child. Despite its declaratory character, it will also operate as a clear frame of reference for evaluating both the existing legislation and practices as well as new developments.

13. The age below the legal age of majority can be taken as one criterion for the definition of childhood. The age of majority is the age at which a person moves from a condition of dependency to one in which he or she can independently exercise his or her full rights as a citizen, and at the same time assume the responsibilities of a citizen. Such rights and responsibilities include the political rights to vote, to stand for elections, become liable for payment of tax or obtain a certificate of competence to drive a car. For the purpose of the administration of justice the Children and Young Persons Ordinance (1939) of Sri Lanka defines a "child" as a person under the age of 14 and "a young person" as a person between 14 and 16 years. The way in which this law operates in the interests of children is discussed later in this chapter.

14. There are different age limits prescribed by the law in regard to the legality of a number of activities and transactions to which persons below the age of majority become parties. These include the age of employment in general, the age of employment at night, the age of marriage, the age of criminal responsibility. These age limits have both a protective as well as a restrictive function. They protect children from being compelled to undertake adult responsibilities before they are able to do so, as in the case of employment and marriage; at the same time they restrict children from performing certain tasks for which they are not ready in terms of physical and intellectual maturity. These age limits therefore protect the right of children to their childhood; but in doing so they must simultaneously deny them certain rights which are enjoyed in adulthood. Table 3 below gives some of the age limits recognized under Sri Lankan legislation for different purposes.

Table 3

Age limits under Sri Lankan law

| Purpose | Statute | Age |
|---|---|---|
| Age for the exercise of franchise | Constitution | 18 |
| Age at which one can stand for election to become a Member of Parliament or Local Authority | Constitution | 18 |
| Age at which one can stand for election to become President | Constitution | 30 |
| Age at which application can be made for registration as a citizen or declaration can be made for renunciation of citizenship | Citizenship Act (1948) | 21 |
| Age at which driving licence can be obtained | Motor Traffic Act (1951) | 18 |
| Age at which a person is liable to be assessed independently for the payment of tax (until a person is 18 years his income and wealth is aggregated with that of his parents) | Inland Revenue Act, No. 28 of 1979 | 18 |
| Age at which a valid marriage can be contracted | | |
| - Under the Marriage Registration Ordinance of 1907 (which is the general law on marriage) | | |
| with the consent of parent/guardian | | male - over 16<br>female - over 12 |
| without consent | | over 21 years |
| - Under the Kandyan Marriage and Divorce Act of 1952 | | |
| with consent | | male - over 16<br>female - over 12 |
| without consent | | male - over 18<br>female - over 16 |
| - Under the Muslim Marriage and Divorce Act of 1951 | | |
| There is no minimum age of marriage but there is a legal provision which prohibits the registration of a marriage of a girl under 12 years unless the authority of the Quazi of the area in which she resides is obtained for the purpose. | | |

Table 3 (continued)

| Purpose | Statute | Age |
|---|---|---|
| Age at which an order for maintenance of child ceases to be in force | Maintenance Ordinance (1989) as amended by Act No. 19 of 1972 | 21 |
| Age up to which a child can be adopted | Adoption of Children Ordinance (1941) | 14 |
| Age at which a person can make a will | Wills Ordinance (1984) as amended by Act No. 5 of 1993 | 18 |
| Age up to which a person is considered as unable to commit an offence (anything done by a child above 8 years and under 12 years is not an offence, if such a child has not attained sufficient maturity to judge the nature and consequences of his conduct on the particular occasion). | Penal Code (1883) | 8 |
| Age at which a sentence of death can be pronounced on a person | Penal Code as amended by Act No. 50 of 1980 | 18 |
| Kidnapping from lawful guardianship | Penal Code | male - under 14<br>female - under 16 |
| Age at which a person can institute or defend a court action by himself | Civil Procedure Code (1889) | 21 (being amended to 18 years in view of the age of majority now being 18 years) |
| Minimum age of criminal responsibility | Penal Code | 8 |
| Age for employment in industrial undertaking | Employment of Women, Children and Young Persons Ordinance (1956) | 14 |
| Age for employment at sea | Employment of Women, Children Young Persons Ordinance (1956) | 15 |

Table 3 (continued)

| Purpose | Statute | Age |
|---|---|---|
| Age for employment at night | Employment of Women, Children, Young Persons Ordinance (1956) | 18 (There is provision to allow male persons between 16 years and 18 years to be employed during night for the purpose of apprenticeship or vocational training in any industrial undertaking required to be carried on continuously. The Order for the purpose is made by the Minister in charge of the subject of Labour and is required to be gazetted.) |
| Age for employment in factories | Factories Ordinance (1942) | 14 |
| Age for employment in shop/office | Shop and Office Employees Act (1954) | 14 |
| Age to become an apprentice | National Apprenticeship Act (1971) | 16 |

15. The age of majority is 18 years in terms of the Age of Majority Ordinance (1865) as amended by the Age of Majority (amendment) Act No. 17 of 1989. The amending Act also states that its provisions shall not be construed as affecting the right of any person under 21 years of age to receive any benefit he is entitled to under any other law. The Age of Majority Ordinance also recognizes the right of a person attaining majority before he reaches 18 years. Such a situation arises by the grant of letters of venia aetatis at marriage or emancipation.

16. The Sri Lankan general law is based on English law and Roman Dutch Law. There are also several Personal Laws which are based on local and indigenous customs and rites of religion. There are instances where for certain purposes the age limits vary according to the law governing a person. The three main systems of Personal Laws are the Kandyan Law, the Thesawalamai and the Muslim Law.

17. The Kandyan Law applies to the up-country Sinhalese who occupied the central regions of Sri Lanka which remained independent until the British conquered those regions in 1815. The Thesawalamai applies to Tamils who are inhabitants of the province of Jaffna in northern Sri Lanka. The Muslim Law applies to all persons who profess Islam.

18. The Evidence Ordinance of 1895 recognizes that a child born within lawful wedlock or within 280 days of dissolution of a marriage (with the mother

remaining unmarried) is presumed legitimate. The Marriage Registration Ordinance of 1907 recognizes legitimization by subsequent marriage.

19. The Legitimacy Act of 1970 provides that a valid marriage entered into before or after that Act comes into force renders legitimate a child procreated by the parties prior to such marriage, irrespective of whether that child was so procreated in adultery. The Legitimacy Act does not however apply to marriages entered into by persons professing Islam or marriages under the Kandyan Marriage and Divorce Act of 1952.

20. Determination of paternity is governed by the Evidence Ordinance which states that a child born during lawful wedlock or within 280 days of dissolution of marriage is conclusive proof that the man is the father of such child unless it can be shown that he had no access to the mother at any time when such child could have been begotten or that the father was impotent.

Non-discrimination - article 3

21. A citizen's equality before the law irrespective of race, religion, language, caste, sex, political opinion or place of birth is recognized as a fundamental right under article 12 (2) of the Constitution. Further, in article (4) of the Constitution there is provision which enables action being taken by law, subordinate legislation or executive action for the advancement of women, children and disabled persons. The above fundamental rights are justiciable.

22. One of the Directive Principles of State Policy and Fundamental Duties enshrined in the Constitution is that the State shall promote with special care the interests of children and youth, so as to ensure their full physical, mental, moral, religious and social development and to protect them from exploitation and discrimination (art. 27 (15)).

Best interests of the child - article 3

23. The Sri Lankan courts have over the years recognized the concept of the "best interests of the child" in litigation involving children. In most custody cases, the father's preferential right as the natural guardian has not been accepted by the courts and custody has been given to the mother in the best interests of the child. These principles have been embodied in the Children's Charter, articles 2, 3 and 6.

## III. CIVIL RIGHTS AND FREEDOMS

24. Under Sri Lankan law all births, deaths and marriages are registered. The Registrar General is responsible for the registration and maintenance of all relevant documents. Citizens are entitled to obtain certificates of birth, death and marriage on application. The system for the registration of births, deaths and marriages has been operating efficiently throughout the country. However, owing to the disruption of the administration in some parts of the North and the East as a result of the armed conflict in those regions, it is likely that there is some degree of non-registration, particularly of deaths. National identity cards are issued to all citizens. Articles 7 and 8 of the Children's Charter incorporate the provisions of the Convention

regarding registration of births, the right to acquire name and nationality and the State's obligation to ensure the protection of these rights to prevent a child being regarded as stateless.

25. Chapter 3 of the Sri Lankan Constitution embodies provisions relating to fundamental rights. The fundamental rights defined in the chapter fall into two categories. One category of right is universal in character and applies to every person and the other category of right applies to every citizen. Articles 14, 19 and 37 of the Convention on the Rights of the Child fall into the first category which is protected by the Constitution.

26. Article 10 of the Constitution recognizes as a fundamental right of every person freedom of thought, conscience and religion including the right to adopt a religion or belief of his choice. This is a justiciable fundamental right. Article 11 of the Constitution recognizes as a fundamental right that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. This is also a justiciable fundamental right.

27. Article 19 of the Convention, however, is more inclusive in scope in defining the State's responsibility for protecting the child. It includes all forms of physical and mental violence, maltreatment and abuse. Some of the patterns of child rearing and school discipline that might still be observed among some parents or teachers may well come within the ambit of this article. There have been instances of maltreatment of children who are employed as servants and several have come before courts. The implementation of the article therefore demands a searching evaluation of attitudes, practices and values in various situations in which adults have control and authority over children. Sexual abuse of children is examined further in the section dealing with child prostitution.

28. The second category of right protected by the Constitution includes the following. In terms of article 14 (1) (a) of the Constitution every citizen is entitled to freedom of speech and expression, including publication. Article 14 (1) (b) and (c) of the Constitution recognizes as fundamental rights freedom of peaceful assembly and freedom of association respectively. Freedom of expression and freedom of peaceful assembly can be restricted by law in the interest of racial and religious harmony while freedom of association can be restricted by law in the interests of racial and religious harmony or national economy. Both the above freedoms can also be restricted by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.

29. The Sri Lankan Charter qualifies the child's right to freedom of thought, conscience and religion by subjecting it to appropriate parental guidance. Under the prevailing education system every child has to be taught the religion of his or her parents. Religion is a compulsory subject up to the eleventh year of schooling. The religious organizations conduct their own religious teaching programmes and hold examinations. The prevailing education system however has been criticized for its failure to pay adequate attention to value formation and moral education. The teaching of religion as a formal

subject has not been able to perform these tasks effectively. Recently Government has attempted to correct this deficiency and has initiated a special programme on value education.

30. Article 13 of the Convention on the Rights of the Child has elaborated the right to freedom of expression to "include freedom to seek, receive and impart information of all kinds, regardless of frontiers. ..." The provisions of the Sri Lankan Constitution do not specify the right to information in this manner. However, article 13 of the Charter on Children's Rights repeats the identical wording of article 13 of the Convention. Nevertheless, the provision ensuring freedom to seek information has to be read with article 17 of the Convention as well as the Charter concerning access to appropriate information, in which States are enjoined to develop appropriate guidelines for the protection of children from information and material injurious to their well-being. These issues are further discussed in the section on the family and the child.

31. The chapter on fundamental rights does not explicitly state that children enjoy these rights. Although there is no Sri Lankan court decision which has held that the word "person" when used in the context of fundamental rights includes a child, it is inconceivable that children would be excluded from the application of these rights. "Citizen" would include children; newly born infants are deemed to have the status of citizens. A child's citizenship in Sri Lanka depends on the citizenship of the father and, in certain exceptional circumstances, the mother. Sri Lankan citizenship would bring children within the ambit of rights enjoyed by citizens. The rights of citizens enjoyed by children would not include those which by their very nature cannot be exercised by children either independently or with the assistance of guardians, such as rights to form and join a trade union or to engage in any lawful occupation, business, trade or enterprise. Children in Sri Lanka have associations and movements of various kinds which are specific to the young age groups but almost all of these are sponsored and guided by educational institutions, religious bodies or other adult organizations. Examples are the scout and guide associations, sports associations, religious associations clubs for various extra-curricular activities.

32. At present the minimum age for recruitment to the armed forces is 18 years. The Government subscribes to and observes the rules of international law applicable to children in armed conflicts. These have a critical bearing on children affected by the armed conflict in the North and East. One disturbing feature is the recruitment of vary young persons to the guerrilla army which is fighting against the Government. Reliable reports indicate that children below 15 years of age are also involved in the combat.

33. The provisions which ensure children's freedoms and rights in the Sri Lankan Charter are complemented by the provisions which stress the need for guidance and protection. The overall approach in the Charter is guided by concerns which find expression in the qualifications included in article 14 in regard to freedom of thought as well as in a few other articles. For example, (3) (a), (b), (c) of article 28 refers to appropriate measures "to ensure strict discipline" and "proper guidance in the religious, social and cultural values of life."

34. The independent exercise of rights by children is limited by their inability to institute or defend legal proceedings by themselves. Under the Civil Procedure Code a person who has not attained the age of 21 years has no locus standi in judicio and is therefore unable to institute or defend a legal proceeding by himself. A person under 21 years can therefore institute action or defend himself only through a "next friend" or "guardian ad litem" respectively, who will be appointed by court.

35. In view of the age of majority being reduced to 18 years in 1989, the Civil Procedure Code is presently being amended to enable a person who has reached 18 years to appear in person in litigation. Sri Lankan courts normally pay heed to a child's view in divorce proceedings. But Sri Lanka has neither legislated nor developed a substantial body of case law which takes account of the child's views or the evolving capacity of the child to take part in decisions which affect him or her. Articles 12 and 5 of the Convention embody recent trends in child law where the decision-making capacity of the child is taken into account. Sri Lankan law has yet to respond to this trend.

## IV. THE FAMILY AND THE CHILD

### Family environment, parental responsibility and guidance

36. Chapter VI of the Sri Lanka Constitution on Directive Principles and Fundamental Duties makes it obligatory on the State "to recognize and protect the family as the basic unit of society". The Sri Lanka Children's Charter enjoins the State "to ensure the recognition of the parental right to the care, custody guardianship and development of the child." The Charter avoids reference to the joint responsibility of parents as stated in the Convention. The general law in Sri Lanka with its foundations in Roman Dutch Law tends to see the father as the natural guardian of the children and as having the prime responsibility for upbringing of the children of the marriage. This means that during the subsistence of the marriage he enjoys a prima facie right to the custody, control and care of the children. However, the courts which were initially reluctant to interfere with the preferential right of the father to the custody of the children have recently tended to make this preferential right subordinate to the best interests of the child. However, even a formal recognition of a preferential right will have significant implications in regard to the sharing of parental responsibility in relation to the important decisions affecting the lives of children. Joint parental responsibility is one basic principle which may need strengthening in the legal system as well as within the family.

37. Article 5 of the Charter, relating to parental guidance, limits the rights and responsibilities to the parents and excludes the reference made to the extended family and community in the corresponding article in the Convention. In the Sri Lankan context the extended family has no legal rights over children and the nuclear family is the basic unit with parental responsibility and authority. Article 5 of the Charter includes an additional obligation on parents to provide a proper religious environment, a provision not contained in the Convention. According to the Charter the parents bear a major responsibility for imparting the religious beliefs, values and ethical norms which will help to organize and guide the experience of the growing child and provide him with the capacity for moral self-discipline.

38. Any generalizations regarding the changes in the structure and role of the family in Sri Lanka can be misleading unless they take account of the rural and urban variations as well as the socio-cultural diversity of ethnicity, religion and caste. This diversity will be reflected in significant differences in the family subcultures, the gender relations, marriage and the relationships between parents and children. Given the socio-cultural settings some families will be more authoritarian than others; the older children in the more traditional families, particularly the males, will have defined roles, responsibilities and authority in regard to the younger siblings. The urban family with a Western-oriented education is likely to have a pattern of intra-family relationships which is more receptive to the views and opinions of children. The major socio-economic changes that have taken place have affected these different types of families differently. Nevertheless, it is possible to identify certain common features in the far-reaching changes which have affected the Sri Lankan family in general.

39. First, the demographic changes which have reduced infant mortality and fertility have had a significant impact on the size of the household. The average size of the household has declined from 5.8 persons in 1963 to 5.1 in 1986/87. Infant mortality has declined from 56 per thousand live births in 1963 to 18 in 1991. Total fertility has dropped from 5.04 in 1963 to 2.5 in 1989. The burden on the family arising from both mortality and death in early childhood as well as high fertility has been alleviated. Second, universal free education has had mixed social outcomes in relation to the family. The progressively higher level of education of young mothers has resulted in fuller utilization of maternal and child health services and better infant care. Although initially mass education may have created large disparities in educational levels between parents and children and thereby weakened the traditional role and authority of the family, the rise in educational levels particularly of the females has helped to improve the family environment for the growing children and their capacity to respond to the changing socio-economic conditions. Female education has been recognized as a key factor in the quality of life of the family. The family becomes better equipped to fulfil the functions of socialization of the growing children and transmit the new value systems. Nevertheless, the explosion of new knowledge and the increasingly higher demands of education often place the average family at a disadvantage in providing the environment favourable for the acquisition of new knowledge and the motivation for learning. The family is the main battleground for the conflict between traditional and modern values. The way in which this conflict is managed and resolved has an important bearing on the strength and durability of the family and marital relationships and this in turn on the growth and development of children, and their emotional and moral well-being. In the midst of the changes the family in Sri Lanka, in general, continues to show a high degree of stability; family relationships and obligation play a key role in the lives of people. Although the legal system relating to divorce is relatively liberal, the rate of divorce is low and has not shown signs of any significant increase. The incidence of divorce in the decade of the 1980s has ranged from 0.17 per thousand marriages in 1981 to 0.16 in 1988.

40. The family however faces major challenges in adjusting to the changes that are taking place and are likely to accelerate in the future. For example, along with education, the increasing participation of women in the workforce is changing the pattern of gender relations. In the changing situation there is much greater need for sharing of parental responsibility between father and mother. This requires the necessary orientation, acquisition of new skills for home management and parental care and changes in attitudes, particularly among the male partners. At the same time the family has to strengthen the value systems and ethical foundations which can protect it against the invasion of external influences and life styles which are destructive of family values and its role in the care and development of children.

41. The concept of the rights of children for freedom of expression, consultation of their views and their involvement in the process of decision-making as it affects their lives varies widely among families depending on factors such as the educational levels of parents, social strata and income levels, ethnic and cultural background. It would be correct to say that for the average family these concepts are alien to the basic approach of parents to the care and rearing of their children. The emphasis would be more on guidance and discipline. The right balance between guidance and discipline on the one hand and freedom and consultation on the other would require changes in the relationship between children and adult society in many areas. Changes in attitude would have to encompass not only the parent-child relationship but modes of teaching and the environment in schools.

42. Although these emerging problems have received public attention and policy makers and social leaders have often commented upon it, no policy responses have been clearly articulated. The problems arise out of complex societal changes which are not easily amenable to policy interventions. The responses that are made by various groups tend to reflect religio-cultural and other ideological positions. These often express strong opposition to certain aspects of modernization which undermine traditional family values and are critical of what they regard as a process of Westernization. Policy makers have sometimes responded to these criticisms by attempting to promote traditional values and ritualistic forms of behaviour. Examples have been the initiatives taken in State schools and State television programmes to encourage the traditional forms of obeisance by children to parents and teachers denoting deep respect and submission. These efforts however are ineffective in dealing with the major issues arising out of the conflict between traditional value systems and the processes of modernization. The dialogue and discussion of these major issues have to be continued and developed by concerned groups including religious and cultural institutions, non-governmental organizations and other social leaders. The objective should be to find the appropriate balance which would enable the family as a social institution to adjust to the rapid and far-reaching socio-economic changes and at the same time protect its core values and strengthen itself as the centre of the primary human relationships.

Assistance to the family

43. The family receives substantial support and assistance from the State to fulfil its responsibilities for child care and development. These take the form of various social welfare programmes and income transfers. Table 2 above

provides information on these programmes. Under most of them, the State directly delivers the services to children through its institutions and personnel free of charge as in the case of education, maternal and child health services or nutrition programmes. One negative feature of the social welfare system was that it made households heavily dependent on the State; the State programmes were not adequately oriented to developing the capacity of households for self-care and for self-reliant activity to enhance the quality of life. Community participation which could have resulted in more active involvement of households and families was not given due importance. These deficiencies are being progressively corrected through policies which recognize the importance of community participation and family involvement.

44. There are also a wide range of non-formal educational programmes which help to enhance the capacity of the family for the care and development of children. These include health education programmes initiated by the Health Education Division of the Ministry of Health, information communicated by the media, both print and audio-visual, directed to the household. One very positive feature is the active involvement of a large number of NGOs, national and international, in work relating to children's welfare. Their method of work includes a strong element of community participation and consultation of families and is directed towards enhancing the capacity of communities and families for self-management. Their programmes cover a very wide range of activities and include pre-school programmes, education, health and nutrition. The Government is using these organizations increasingly to implement and collaborate in some of the large-scale programmes undertaken by the State which have important components relating to children. These include the Janasaviya programme for poverty alleviation and the Janasaviya Trust which is a financing and credit institution for the poor. The Janasaviya Trust works through partner organizations which are mainly the NGOs. Its community development projects include activities aimed at the improvement of children's well-being. The Action Plan for Children has also given priority to the participation of communities and families and has designed its strategy for early childhood development based on a partnership between the State, NGOs and the family, adopting home-based approaches with formal pre-school education and day care services being provided by NGOs and religious bodies.

The right to privacy

45. Both the legal system in Sri Lanka and its culture in general are supportive of the values which protect the privacy of the family. The Sri Lankan Charter repeats article 16 of the Convention relating to privacy of children and family in identical language. Its application, however, would have to take account of the culture-specific context and the way in which individual privacy and rights pertaining to it are perceived and upheld. There have been no cases of violation of privacy of family and children by the State, media or other agent which have been brought before a court or received public attention.

46. The administration of justice relating to juveniles and family maintenance has some bearing on issues of privacy. Judicial proceedings against juveniles are held in juvenile courts specially set up for the purpose and children and juveniles are therefore rightly insulated from the adult world of crime and criminal justice. Criticism has been directed at the present system which brings maintenance claims under the jurisdiction of the

magistrate's courts, which mainly exercise criminal jurisdiction. The justification for such a procedure appears to be the speedy disposal of such claims. Nevertheless, there is much to be said for the view that litigation of this nature should not take place in a predominantly criminal court. Family courts which were set up in 1979 were well suited to deal with matters pertaining to family relations. They were abolished in 1981. As an institution, the Family Court could play an important role in the judicial system, both adjudicatory and conciliatory, on a whole range of matters pertaining to family relations.

Deprivation of family environment

47. The deprivation of family environment takes place in Sri Lanka in a number of situations. The dissolution of a marriage raises problems relating to custody resulting in separation from one of the parents who would have limited rights of access to the children. These cases are decided under the general law. Although as stated earlier the father has a preferential right to guardianship, the best interests of the child have invariably taken precedence in court decisions. When the custody of the children is given to the mother, she is normally entitled to claim payment from the father for the maintenance of the children. The court procedures have been strengthened to ensure prompt payment of maintenance. The court can order the father to make the payment through court and in the case of failure to do so he can be summoned and dealt with. Similarly, unmarried mothers are entitled to claim maintenance for children on proof of paternity.

48. Other situations in which children are deprived of parental care are those in which children are orphaned, abandoned, abused or destitute. These cases come within the purview of the Children and Young Person's Act which empowers a magistrate to deal with a child in need of protection or care. Once a child is found to be in need of care or protection, a magistrate may order him or her to be sent to an approved or certified institution or commit the child in the charge of any fit person whether such a person be a relative or not. A magistrate may also order a parent to enter into recognizance to exercise proper care or place the child under the supervision of a probation officer for a specified period. The children who are deprived of parental care for these various reasons come within the administration of the Department of Probation and Child Care.

49. There are at present 141 homes providing institutionalized care for 7,705 children. A large proportion of the children in these homes however, have been placed in them by parents who are destitute or who suffer from disabilities rendering them unable to provide the minimum care needed by their children. The majority of these institutions are run by NGOs. Although the law itself does not specify periodic review and supervision of placements, the homes and placements come under the regular supervision of the Department of Probation and Child Care. Most voluntary homes are supported with grants which supplement their own finances and as grants are made annually, the performance of these institutions and their compliance with standards are routinely evaluated.

50. The Department of Probation and Child Care has given due consideration to the special problems of this category of children and their need for appropriate methods of care and rehabilitation. The staff of the probation

department and the personnal manning the institutions have been provided with a general training in child care as well as in institutional care. This part of the programme will need continuous upgrading and strengthening in order to ensure that the emotional and psychological needs of these especially deprived children are met and the appropriate family environment is recreated as best as possible.

Adoption

51. Under the law governing adoption as enacted in the Adoption of Children's Ordinance of 1941, an adoption if made will be made for the welfare of the child. This general principle applies in addition to any provisions of any written or other law relating to the adoption of children by persons subject to the Thesawalamai Law or the Kandyan Law. This is in accordance with the fundamental principle embodied in articles 3 and 21 of the Convention and contained in articles 3 and 22 of the Charter. The Adoption of Children's Ordnance Ordinance also enjoins that the wishes of the child will be given effect to, having regard to the age and understanding of the child. The Thesawalamai principles relating to the law of parent and child have for the large part been superseded by the Convention. Adoption is unknown in Muslim Law; a recent judgement of the Supreme Court has held that an adoption by a Muslim did not vest the adopted person with a right to succeed on intestacy to the estate of his adopted parents. This is not in accord with the basic concept underlying adoption, which equates adoptive parenthood with natural parenthood. It may also offend article 2 of the Convention which states that the child should be protected against all forms of discrimination. The Government would need to give attention to this feature of Muslim Law in regard to adoption.

52. Inter-country adoption is governed by the Adoption Ordinance as amended in 1992. The increasing demand for children for adoption by parents from developed countries resulted in grave abuses. Intermediaries were making a commercial business of finding local infants and very young children for adoption by foreign parents. Timely action was taken to stop these abuses by amending the Adoption of Children Ordinance. Under the amended law

(a) Suitable children for foreign applicants should be selected by the Commissioner of Probation and Child Care Services only from the State Receiving Homes and Voluntary Homes registered with the Department of Probation and Child Care Services for a period not less than five years;

(b) Priority shall be given to the local applicants. A child can be considered for a foreign family only if there is no local applicant for him/her;

(c) The maximum number of adoption orders that can be made by all courts in any calendar year in favour of foreign applicants shall be prescribed by regulation and that ceiling should not be exceeded;

(d) It is prohibited to keep expectant mothers or children with or without mothers in custody, for adoption purpose, in any place other than a State Receiving Home or Registered Voluntary Home;

(e) It would be an offence to give or receive a payment or a reward in consideration of adoption of children;

(f) Punishments for violation of the law are enhanced;

(g) Adoptive parents will have to forward progress reports quarterly until the child's adoption is confirmed in the receiving country, half yearly for three years after such confirmation and yearly thereafter until the child reaches the age of 6-10 years.

53. It should be noted that the safeguards stipulated in detail in regard to inter-country adoption in the amendments are not stipulated in the same manner for local adoptions. What the law stipulates in the case of the local adoption is the general principle that it should be for the welfare of the child and that his or her wishes should be given due consideration. Post-adoption surveillance is not required. The law vests the judge with wide discretion to determine the best interests of the child without making the consideration of certain factors mandatory as in the case of inter-country adoptions. It might be necessary to examine whether the safeguards provided in the case of foreign adoptions should not be extended to local adoptions as well.

Foster parents and sponsorship programmes

54. The Government has sponsored the Sevana Sarana Foster Parents scheme under which benefactors, local and foreign, undertake to provide financial assistance to children selected from disadvantaged families. NGOs and religious bodies have also promoted such schemes acting as intermediaries in bringing the foster parents and the beneficiary children together. The Department of Probation and Child Care implements a sponsorship programme under which needy children selected from poor families are paid a monthly allowance of Rs 200. As yet this programme covers only about 450 children. The Government plans to increase the coverage.

## V. HEALTH AND SURVIVAL OF CHILDREN

National goals and policies

55. The commitment to provide comprehensive health care services free to all citizens has been the basis on which all governments of Sri Lanka have developed the national health system. In 1980 this commitment was reaffirmed when the Government signed the Health Charter and formally endorsed the concept of Health for All by the year 2000, with primary health care as the centre of the health strategy. Thereafter the Government has undertaken several institutional improvements to implement its health policy more effectively. It has established a National Health Council chaired by the Prime Minister which serves as the apex body for coordinating health policies and programmes. The Council is supported by a number of subsidiary bodies and Standing Committees, each entrusted with specific responsibilities.

56. A Presidential Task Force was recently appointed to formulate a national health policy. They have completed their assignment and submitted their report to the Government. The report has made far-reaching recommendations for the improvement of the health system which are being appropriately

incorporated into the national health policies. In its review of the overall situation the Task Force concludes that despite the achievements in health which are remarkable "compared with many ... other developing countries in the world ... the health services do not as yet fully reach those most in need such as children, youth and adolescents, the socially and economically weak in society; the use of health services by different population groups is uneven; the norms and standards of quality of care available for different conditions, levels etc., are inadequate".

57. The underlying causes identified by the Task Force include the poor planning and compartmentalization of the health services, scarcity of financial resources and inadequate mix of support services. The general policy measures recommended by the Task Force include the formulation of a Master Plan for total health development up to 2002 A.D., the integration of the health services with a functional basis emphasis on decentralization in conformity with the present system of devolution, and high priority for under-served areas and population groups and vulnerable groups. With the establishment of Provincial Councils the delivery of health care has been devolved to the Councils, with the national level agencies responsible for national policy, monitoring and evaluation and training of health personnel. The devolution of powers and responsibilities to the provincial level will enable the health system to respond more effectively to the problems at that level. It will also provide greater scope for community participation in the improvement of the health status of the people.

The health status of children

58. Table 1 above presented the main indicators on the health status of both the total population as well as children. The remarkable improvements which were achieved in the second half of the 1940s were continued in the decades that followed. During the decade of the 1980s there has been a further acceleration in the decline of infant mortality and child mortality. Infant mortality declined from 34.4 in 1980 to 19.3 in 1990 and child mortality from approximately 10 to approximately 5 during the same period.

59. Factors which have contributed to the decline in infant mortality include improved anti-natal care and care at delivery, universal child immunization, high ORT (oral rehydration therapy) practice rates and control of diarrhoeal diseases, declining fertility rates and improved spacing between pregnancies. Life expectancy was estimated at 72.5 in 1991. Approximately 70 per cent of infant deaths now occur in the neonatal period, of which about one-third are due to causes directly or indirectly related to immaturity/prematurity. A decreasing trend is observed in the neonatal mortality rate and the lowest was recorded in 1988 being 14.0 per 1,000 live births. Nuwara Eliya district recorded the highest rate (25.4) followed by Kandy.

60. Despite the steady decline in infant, child and maternal mortality, the levels of child malnutrition and maternal anaemia remain quite high as is evident from the data given in Table 1. Levels of chronic and acute undernutrition among infants and pre-schoolers have remained high during the past few decades and even during the last decade in spite of the implementation of a number of nutrition interventions. The national estimate (1988/89) for stunting and wasting were 32 and 17 per cent respectively. The comparative levels for 1980/82 were 36.5 and 13 per cent respectively.

61. While near-universal child immunization rates have been achieved against polio, whooping cough, diphtheria, tuberculosis and tetanus, the Government is committed to sustain these achievements and also extend these to achieve disease eradication goals which include eradication of polio, elimination of neonatal tetanus and a 90 per cent reduction in deaths due to measles.

62. The well-being of infants is closely linked with maternal health. The maternal mortality rate has declined from 2.4 in 1965 to about 0.5 in 1985. Factors which have contributed to this decline include wide access to maternal child care services. About 80 per cent of the total deliveries take place in State medical institutions while the remaining 20 per cent occur at home or in private hospitals. Out of the home deliveries 65 per cent receive trained assistance.

63. The expanded immunization programme in Sri Lanka has been an outstanding success. The EPI coverage levels of infants in 1992 was 88.5 per cent for BCG, 89.5 per cent for DPV (dose 3), 90 per cent for DPT (dose 3) and 83 per cent for measles. A recent EPI assessment survey has shown that 87.6 per cent of children were fully immunized and 85 per cent of children were protected against tetanus neonatorum. The immunization levels were least satisfactory in the Health Divisions of Nuwara Eliya, Vavuniya Batticaloa, Jaffna and Amparai.

TABLE 4

Incidence of EPI Target Diseases - Sri Lanka

| Disease | 1980 | | 1990 | |
|---|---|---|---|---|
| | No. of Cases | Rate per 100,000 | No. of Cases | Rate per 100,000 |
| Poliomyelitis | 264 | 1.7 | 9 | 0.0 |
| Diphtheria | 37 | 0.3 | 1* | 0.0 |
| Whooping cough | 542 | 3.7 | 271* | 1.9 |
| Tetanus | 1 243 | 8.5 | 184* | 1.3 |
| Tetanus neonatorum | 351 | 83.9 | 14* | 4.8 |
| Tuberculosis | 6 212 | 42.1 | 6 666 | 39.2 |
| Measles | 5 032 | 34.3 | 4 004 | 27.6 |

Source: Annual Health Bulletin 1990. *Excludes North & Eastern provinces.

64. Diarrhoeal diseases and acute respiratory infections remain leading causes of morbidity and mortality among children. The practice of oral rehydration therapy is now widespread and will be further increased. The Government implements a national programme for the control of diarrhoeal diseases which has set targets for improving treatment at home level, reducing hospitalization due to acute diarrhoeal diseases by early intervention and reducing case fatality. There has been a decline in the rate of mortality from 11.3 per 100,000 in 1981 to 3 in 1990. The Government also implements a plan of action for the control of acute respiratory infections which is aimed

at the reduction of mortality and morbidity in children under five years of age through the control of major risk factors like malnutrition and indoor air pollution, and the highest possible immunization coverage.

65. Malaria continues to be a major health problem for all age groups and a leading cause of hospitalization. There has been a resurgence of malaria in the 1980s because of the increase of P. falciparum malaria and new foci of transmission which have appeared in areas outside the traditional dry zone areas. Some of the critical issues are the increasing resistance to chloroquine and poor coverage with malathion spray. The anti-malaria campaign has been strengthened and integrated methods of malaria control, including use of impregnated bed nets and larvivorous fish, are being developed.

66. The national average for low birth weight was in the region of 23 per cent in 1990. The averages for different divisions ranged from about 27 per cent for Nuwara Eliya and Ratnapura to about 16 per cent and 19 per cent in Hamabantota and Gampaha respectively.

67. Concerted efforts are being made to reduce malnutrition. The most important of these is the supplementary feeding programme for pregnant and lactating mothers and pre-school children introduced in 1973. The programme is targeted to the needy households. On the average the programme reaches approximately 600,000 beneficiaries who comprise approximately 32 per cent of the total population of mothers and children in this category. Other programmes which are nutrition-related are the Janasaviya poverty alleviation programme; the Suvasaviya, which is the health counterpart of Janasaviya; the school midday meal and the nutrition programmes of the Janasaviya Trust. Government also has taken action to set up a National Birth Weight Surveillance system. This initially covered 17 Health Divisions and is being progressively expanded to cover the entire country. Other strategies to reduce malnutrition include growth monitoring, breast-feeding, promotion of correct weaning practices and recipes for weaning foods using commonly available foods and nutrition education. In most of the programmes aimed at the alleviation of poverty and malnutrition, the targeting is deficient. The need to improve targeting has been recognized and programmes are being strengthened for the purpose. The Action Plan for Children spells out in detail the programmes which are designed to combat malnutrition. The short-term targets set in the plan include the reduction of low birth weight to 18 per cent and reduction of low weight for age to 25 per cent by 1995.

68. Two emerging health problems which are causing concern are drug abuse and HIV/AIDS. Drug abuse is dealt with as a special situation in section VII. Although the known incidence of HIV/AIDS is relatively quite small the forecasts expect about 12,000 HIV-positive and 1,000 full-blown AIDS cases by 1996/97. Both the spread of drug abuse and the prevalence of child prostitution can increase the hazards of infection among children and adolescents who are in these situations. The Government, supported by NGOs, has undertaken an intensive programme of public education and prevention. The recommendations of the Task Force on National Health Policy to deal with HIV/AIDS include an integrated programme for prevention and control closely linked to other related programmes such as the programme on drug abuse; facilities to be provided for the care of children of AIDS patients; "anonymous clinics" for serving HIV-positive persons and AIDS patients; introducing information and instruction at secondary school level and above.

69. One of the most promising trends in the emerging health situation is the decline in fertility, the drop in the birth rate and the prospect of achieving a net reproduction rate of 1 within the next few years. The acceptance rates of family planning have been steadily increasing; the number of new acceptors rose from 120,300 in 1988 to 141,168 in 1990. The decline in the natural increase of population will soon stabilize the population of children under five, reducing the pressure on maternal and child health services. This means that resources could be diverted from the quantitative expansion of services to improvement of quality. Families of smaller size will also result in the overall improvement of the quality of life for children.

Health services for schools

70. One important programme of health care for children is the school dental services. This is designed to provide regular treatment for school-going children between 5 and 13 years as well as pre-school children. The school health services were introduced in 1953, initially serving the schools in the city of Colombo. The programme has expanded considerably. In 1990, 280 school dental clinics functioned and a staff of 482 dental therapists provided the services which include detection of deciduous teeth, scaling and conservation of teeth and dental health education. The coverage of the programme is being further expanded and dental mobile clinics are being introduced to extend the reach of the programme. The dental services for children includes a component serving children over 13 years of age.

Institutions and facilities for health care of children

71. Institutionalized health care for children is part of the national health care system which has a well-developed paediatric component. The State health services are well distributed throughout the island and in general the population has access to a medical institution within reasonable distance from the home. The system comprises a hierarchy of medical institutions with rural hospitals, peripheral units, maternity homes and central dispensaries at the lower end and sophisticated teaching hospitals with specialist services at the upper end. The total number of medical institutions available in 1990 was 691 and the number of hospital beds 41,671.

72. The delivery of health care for children and pregnant and lactating mothers is the responsibility of the Family Health Services Bureau. Its activities cover (i) maternal care, ante-natal, natal and post-natal care, (ii) infant and child care which includes the Expanded Programme of Immunization, growth monitoring, and nutrition interventions, child mental health and the control of diarrhoeal and acute respiratory diseases, (iii) health care of the schoolchild and (iv) family planning. It will be seen that a well-designed infrastructure exists for the delivery of an integrated package of health care to children. The problems encountered are mainly the lack of manpower at the higher levels and inadequate resources to provide and maintain a high quality of service.

73. The larger hospitals contain paediatric wards served by specialists. The total number of paediatric and children's beds in hospital is 4,346 (1990), about 10 per cent of the total bed strength. There is a major Children's Hospital and two Maternal Hospitals in Colombo. As stated earlier 80 per cent of the births take place in hospitals. In 1990, 259,000 pregnant mothers,

approximately 75 per cent of the total number, had registered at the Maternal and Child Health clinics for ante-natal and post-natal care. There are in all 3,321 public health midwives and 1,638 hospital midwives. The public health midwives are responsible for family care and home visits for ante-natal and post-natal care. The care of infants and pre-school children is integrated with the services for mothers.

74. An important part of the system of health care for children is the private sector health services delivered by the general practitioners. There are approximately 800 general practitioners and 85 private hospitals. The private sector practitioners and institutions are largely in the urban areas. In addition to the Western medical system, the practitioners of ayurveda provide medical care throughout the country and households, particularly rural households, use ayurveda for a large variety of ailments including children's illnesses.

75. Approximately 2 per cent of GDP is allocated to health in the government budget. Although the national coverage and reach of the health system has been remarkable for a low-income country, shortage of manpower and budgetary constraints have adversely affected the quality of the services and held back improvement of quality and expansion in many areas concerned with children's health. Programmes aimed at the reduction of malnutrition, growth monitoring and nutritional surveillance or the expansion of school health services are examples.

Living standards and social security

76. The overview of socio-economic conditions and table 2 in section I provide information on the various social welfare programmes which protect the living standards of children and promote their well-being. These programmes taken together act as a social safety net. The free health services described above, the food stamp schemes and the supplementary food programmes support the pregnant and lactating mothers and the age group 0-6 years. The food stamp scheme covered 40 per cent of the population in 1991. The value of stamps for an average household of five is about Rs 250 per month. The poverty line at current prices being in the region of Rs 2,000, food stamps can meet a critical deficit in food and income for the poorest families. Stamps of higher value are given to children under 12. Pricing policies ensure that the burden of tariffs and sales taxes on many of the essential goods for children such as milkfoods and books are kept to a minimum. For the school-going population, universal free education is supplemented with free textbooks, subsidized transport, free school uniforms and a food stamp for midday meals.

77. Despite all the social welfare programmes, the level of poverty has remained at around 28 per cent of the total number of households. As mentioned earlier, the incidence of low birth weight and malnutrition in children is also quite high. It is in this context that the Government launched a large-scale programme for poverty alleviation - the Janasaviya programme. Under this programme households which were receiving food stamps are entitled to a grant of Rs 2,500 per family per month, regardless of its size, for a period of two years. When beneficiaries receive assistance under Janasaviya they move out of the food stamp scheme. This grant is given in two parts - one a consumption grant of Rs 1,452 primarily to meet consumption

needs. This is tied to a bundle of food items and certain essential goods which are made available through a network of cooperative stores. The balance of Rs 1,042 is saved and made available as a fixed deposit of Rs 25,000 at the end of two years. The beneficiary can draw interest on these deposits and use it as collateral to obtain credit for investments which are aimed at increasing their household incomes. A development bank, the Janasaviya Trust, has been specially set up to help poor households. The Trust together with other banks lend to Janasaviya beneficiaries to enable them to realize the objectives of the programme and move out of poverty. The Trust also provides grants for community development projects and nutrition programmes targeted to the poor. The Janasaviya programme is being implemented in stages and has reached about 350,000 families. Government has recognized that the programme needs restructuring both in order to target it more effectively to the needy as well as to achieve the objectives of increasing the income-earning capacity of the households.

78. Government implements several other programmes of public assistance to special categories. These cover the destitutes, persons afflicted with incapacitating illnesses and relief for distress due to natural calamities. The management of disaster relief has been given high priority. While these are general programmes which benefit the affected population as a whole, the children who belong to the households in distress are also protected by these programmes.

79. Social security includes workmen's compensation, a provident fund for all employees in the private sector, excluding the informal sector, and pension schemes for employees in the State sector. Table 2 enumerates these programmes. Government has also initiated a contributory pension scheme for farmers and proposes to extend it to other parts of the informal sector. The Government has no scheme for unemployment relief.

80. There have been various other initiatives which have been directed at ensuring the well-being of children in very poor families. These include the foster parent and sponsorship programmes that have been mentioned already. Several banks have promoted savings schemes which are specially intended to benefit children. A substantial proportion of the aid that flows through NGO channels is allocated to projects and programmes which benefit children.

## VI. EDUCATION

### Educational policies and goals

81. The Constitution of Sri Lanka (1978), in its chapter on directive principles of State policy and fundamental rights, declares the commitment of the State to:

(a) The complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels (art. 27 (2)).

(b) The promotion, with special care, of the interests of children and youth so as to ensure their full development - physical, mental, moral, religious and social - and their protection from exploitation and discrimination (art. 27 (13)).

82. The Constitution also guarantees gender equality. The recently approved Women's Charter has a specific section on the rights of women and girls to education and training. These rights had been recognized and laid down as early as 1943 in the report of the Special Committee on Education which stated that "every individual must have equal opportunity so that, provided he has the necessary ability, he can lift himself from the humblest to the highest position in social, economic and political life of the nation" and that "education in a democratic society shall be free at all stages from primary to the University". In pursuance of this objective the Government has developed a system which seeks to provide every child with equal opportunity for education. The initiatives taken by the Government over the last five decades to realize this objective, include:

(a) Free education from the primary level to the university level;

(b) Instruction in the mother tongue in the primary school which was progressively extended up to the university in 1960;

(c) Instruction in the religion of the child's parents;

(d) Subsidized transport for schoolchildren;

(e) Provision of free textbooks, free midday meals and free school uniforms;

(f) Rationalization of the school system to reduce regional disparities.

83. The right to be educated through the medium of either of the national languages - Sinhala and Tamil - is affirmed in the 1978 Constitution (chap. IV, art.21 (1)). Teaching of English as a compulsory second language from standard three upwards in Sinhala and Tamil schools had been introduced since the use of the mother tongue in primary classes in 1945. In recent years, the Government has emphasized the importance of English. The teaching of the second national language from year three has also been introduced.

84. Further democratization of education is being achieved by a reduction of the imbalance between urban and rural areas and by providing access to groups that still remained outside the reach of formal education. The process of democratizing education culminated in the takeover of denominational schools in 1960, a step considered necessary for promoting greater equality of opportunity for education. With the takeover of denominational schools and the introduction of the national languages - Sinhala and Tamil - as the medium of instruction in Arts courses at the universities in 1960, language and religion ceased to be barriers to educational opportunity.

85. Although compulsory schooling for the 5 to 14 age group had been envisaged by various documents on education since 1917, no legislation was enacted to make schooling up to 14 compulsory. However, despite the absence of such legislation school enrolment rose rapidly when educational facilities were expanded. Enrolment in primary education in 1988 recorded a national average of 88.7 per cent, males and females recorded values of 89.9 per cent and 87.5 per cent respectively, clearly indicating that girls and boys enjoyed equal opportunity to participate in education.

School attendance and school admission

86. At present there are approximately 10,000 schools with a total school population of 4.2 million; 49.8 per cent are girls. The percentage of girls in schools increased from 27.4 per cent at the beginning of the century to 42 per cent in 1946, 48.1 per cent in 1970, 49.7 per cent in 1983 and subsequently to 49.8 per cent in 1992. There are no gender disparities in educational participation at the first level. It has been estimated that 88.3 per cent of boys and 87.4 per cent of girls in the 5-14 age group were enrolled in schools in 1991.

87. At the secondary level there are more girls than boys enrolled in school - 50.7 per cent in years 6-11 and 57.9 per cent in years 12-13. There are minimal disparities even in the rural sector. Socio-cultural constraints affect only girls of two population subgroups, i.e. those in rural Muslim families and plantation labour families. Even in these groups, disparities have been reduced in recent years.

88. Due to poverty, around 8-10 per cent of children never enter the school system. Eighty per cent of the first year intake reach year 6, 50 per cent reach year 9 and 25 per cent enter year 13. However, more boys drop out of school than girls. The following are the rates of participation for primary, secondary and tertiary education for 1990:

Primary school enrolment ratio - 107 per cent

Secondary school enrolment ratio - 74 per cent

Tertiary school enrolment ratio - 4 per cent

89. The general education system at primary or secondary level in Sri Lanka is highly accessible as seen by the fact that almost a third of the students travel less than three kilometres and the majority of the other two thirds travel less than 8 kilometres to reach school. A recent survey of year 4 girls and boys in 29 schools in Colombo, Gampaha, and Kalutara districts showed that almost 70 per cent walk to school.

90. However, the Ministry of Education takes the responsibility of allocating a school to new entrants. The Government White Paper issued in 1964 proposed that basic schools be made available to pupils within two miles of home and that such schools give preference to applicants residing nearest to the school. This proposal was enforced by the Ministry of Education and is still in force in admitting children to year 1 in primary schools.

91. In school admission gender disparities do not operate as 96.5 per cent of the schools are coeducational. Of the 3.5 per cent single-sex schools, 1.4 per cent are boys' schools and 2.1 per cent are girls' schools.

Primary and secondary education

92. At present a four-tiered school structure is in operation in the State school system in Sri Lanka. The primary school structure extends from year 1 to year 5 for students from age five onwards. The curriculum is common for all students. The junior secondary school structure is of three years'

duration and covers year 6 to year 8. The senior secondary school structure, which ends with the General Certificate of Education - Ordinary Level, is also of three years' duration extending from year 9 to year 11. The senior secondary school, or the collegiate level, prepares students for General Certificate of Education - Advanced Level in years 12 and 13. Thus, the school system extends over a period of thirteen years. The State schools are classified into four grades or types depending on the number of years up to which instruction is provided and the course combinations that are available to the pupils in the school. At present the following classifiction is in use:

Type 1 AB - with GCE AL arts, commerce and science
Type 1 C - with GCE AL arts and commerce only
Type 2 - with GCE OL only
Type 3 - with classes up to year six or eight only.

93. According to the school census for 1991, there were 473 schools islandwide that had arts, commerce and science streams and therefore were classified as 1AB schools. The total number of 1AB schools was 530. However, these schools are unevenly distributed across the provinces with 13 per cent being in the Western Province and only 25 per cent in the North-Central Province. Altogether, there were 1,958 State schools that provided instruction at the GCE AL in 1991. The national schools, which are generally of the 1AB type, are located in or near urban areas. These are among the most sought-after schools in the country and are about 300 in number.

94. Other than State schools, which are financed entirely by the State and follow State regulations regarding school admission, free tuition, language of instruction and curricula, there are three other categories of school namely, pirivena (temple) schools, private schools and international schools operating in the country at present. There are three categories of pirivena schools set up for the education of Buddhist monks of which pirivena vidyayatanas generally hold classes from grade 8 to GCE AL and present students for examinations held by the Department of Examinations in addition to higher examinations held by the Oriental Studies Society. Generally, admission is open in all three types of school to male lay students over 14 years of age. In 1992, there were 476 such pirivena schools and financial assistance to these schools in 1992 was in the region of Rs 140 million.

95. In 1992, the number of private schools and international schools averaged around 60 in each category. Private schools prepare students for the examinations held by the Department of Examinations and hence follow State regulations regarding medium of instruction and curricula. This position does not prevail in relation to international schools which levy very high fees and prepare students for foreign examinations. They are not subject to any State controls.

Special education

96. It is estimated that 4 per cent of the total population are children in need of special education. The general policy of the State at present is to integrate them into the mainstream. The Ministry of Education has a Department of Special Education under a separate director which is entrusted with the task of setting up special education schools and special education

units attached to schools, and monitoring the functions of these schools and special units. The Ministry also provides teacher training in special education at one of its teacher training colleges. There are altogether 24 special schools of which 6 are for those with impaired hearing, 15 for the visually handicapped and 3 for the mentally handicapped. Special education units in schools numbered around 455 in 1992.

97. The Department of Special Education of the National Institute of Education, which is responsible for teacher training and curriculum development in general, has taken a number of measures to expand opportunities for early diagnosis, to train teachers, develop curricula, provide equipment and increase awareness among parents of the needs of children with different forms of handicap. It has also launched research projects to guide them in the above tasks. This Department, which functions under a separate director, conducts a Bachelor of Education degree course in special education and provides training at provincial level on diagnosis and teaching methodology and short courses on special education to teacher educators employed in teacher training institutions. Research on sign language has led to the publication of a sign language dictionary in three volumes, adaptation of primary school textbooks to suit deaf children, production of books for mentally retarded children in pre-reading and pre-writing skills, and teacher guides for the promotion of psycho-motor, aesthetic and perceptual development of mentally retarded children and a Braille code for music for blind children.

98. The Department has also launched a project for the establishment of a resource centre in each province for the testing of all categories of disabled children. Three of these centres have already been established. Located in the Department building is a diagnostic clinic which functions once a month under the direction of a specialist trained in Japan and has a mobile clinical service that serves the districts. Production of pamphlets to bring about awareness of special education needs and to provide training in resolution of conflict are some of the other advancements made.

Non-formal education

99. In spite of the availability of a primary school for almost every child within a distance of around 3 km from his/her home, non-enrolment in the year 1988 in the primary cycle was 11.3 per cent. Non-enrolment in the provinces varied from 4.4 per cent to 19.8 per cent. Although drop-out rates had declined during the last decade the national rate was 1.6 per cent in the primary cycle in 1988. It was much higher in certain deprived areas. Drop-out rates in general increased from upper primary years and recorded the following figures for a cohort of students in year 4 in 1981 through years 10, 11 and 13 by 1990:

| Level | Year | No. of students | Percentage |
|---|---|---|---|
| Year 4 | 1981 | 360 427 | 100.0 |
| Year 10 | 1987 | 214 318 | 59.5 |
| Year 11 | 1988 | 203 034 | 56.3 |
| Year 13 | 1990 | 55 081 | 15.2 |

Source: Ministry of Education 1991

100. Among the unemployed population in Sri Lanka in 1985-1986, 4.5 per cent had no schooling, 14.5 per cent schooling between Year 1 and 5 and another 18.2 per cent schooling between years 6 and 8. Although it is not mandatory for central, provincial or local government authorities to provide non-formal education to non-school-going children, the Ministry of Education provides literacy classes for out-of-school children who are between 5 and 16 years of age and for school drop-outs. The Ministry has a separate division in charge of this function and in 1993 there were 298 such centres in 6 provinces. These centres are located in schools, with very few exceptions. In the case of the latter they are, however, linked to a regular State school and manned by a teacher appointed and paid by the Ministry. The literacy-cum-activity centres function on three days of the week. In addition the non-formal division also runs School Learners' Vocational Skills Development Programmes for those above 16 years of age. In 1993 there were 795 such centres in the 8 provinces, each centre offering a variety of courses.

101. The Non-formal Education Department of the National Institute of Education also carries out various non-formal education projects for the purpose of developing action research programmes, training key personnel, integrating programmes run by various other government departments and organizations, evaluating of projects and providing the findings from such experiences to the Ministry of Education and other organizations for policy formulation.

102. It also carries out the development of curricula and material and training of personnel needed for non-formal education programmes. Forty centres established by this department in the provinces are manned by 52 trained instructors. A new feature that has been introduced and is being tried out in 4 schools is the Link Programme which takes in "low achievers" in year 9 who volunteer for training after school hours to test their capacity for acquiring vocational skills. In addition, they are attached to a technical training institute for three months in the year during school holidays. The programme aims at promoting awareness of alternative avenues of education as well as facilitating the transfer from formal schooling to technical education.

Educational and vocational information and guidance

103. Vocational guidance is obligatory in Sri Lankan schools although few are equipped to provide an effective service. While the education system has attempted to increase the educational level of its entire population, the general education that has been given has failed to prepare school leavers adequately for the labour market and its specific demands. Several attempts at selection and diversification at secondary level have failed. The schools and the children are guided by GCE Ordinary Level examination results in selecting one of the available academic streams. An attempt at introducing a pre-vocational education component at the junior secondary level also met with failure. The result has been a delay in the selection of a career path for those who drop out or fail to enter a university or another institution offering tertiary programmes. A recent curriculum innovation called the Life Skills Programme is an attempt to reverse this trend. The Life Skills Programme at years 7 and 8 is followed by the school technical education programme in year 9. A year 9 student has to offer a technical subject in any one of the four areas - agriculture, commerce, home science or technical

skills. The Ministry of Education has identified 20 courses in agriculture, 9 in commerce, 6 in home economics and 18 in technical skills. Students performance is evaluated on the basis of a school-based practical component and at a public examination held by the Department of Examinations and a certificate is awarded. These measures are expected to encourage students with technical skills to opt for technical and vocational training available in technical colleges and other vocational training centres run by a large number of Ministries, NGOs and private organizations rather than persist in pursuing academic courses in which they are likely to perform poorly.

104. The problem of school drop-outs, under-achievers and failures leads to much wastage of manpower and resources spent on education. The trend has its beginnings in the socio-economic and cultural disparities that exist in certain regions and "pockets" of deprivation. Many a child in Sri Lanka enters school without the minimum entry competencies that would enable him/her to benefit from school instruction. Only around 20 per cent of the children of pre-school age get the opportunity for pre-school exposure. Not only are the facilities available for pre-school exposure minimal, they are not regulated. The patterns of exposure and the standards of teachers and teaching vary widely. Lack of adequate facilities for pre-school exposure of the type that would prepare the child for formal schooling is a serious handicap for the child from the poor and deprived home. This situation needs to be corrected in order to bring closer the realization of the right for equal opportunity in education. The Action Plan for Children has set the target of increasing participation in early childhood education to 35 per cent by 1995 through an approach which integrates pre-school education with the promotion of health and nutrition, sanitation and learning through play. NGOs are being encouraged to collaborate on a larger scale.

Higher education

105. The higher education system consists of nine universities, affiliated university colleges, technical colleges and post-graduate institutes attached to universities. The total number of students enrolled in the conventional national universities during the academic year 1989-1990 was 28,260 in all the undergraduate programmes. There was a total of 1,835 students enrolled for undergraduate-level courses at the institutes and another 17,000 students enrolled at the Open University for all its courses. In the academic year 1991-1992, of the total number of applicants to universities, only 37 per cent gained admission; 23,000 applied for admission to affiliated university colleges of whom only 7.3 per cent were admitted. The 28 technical colleges providing courses at five levels from certificate level to Higher National Diploma level caters to around 20,000 full-time and part-time students annually. Female participation in higher education is high as seen from the fact that in 1990, 42.9 per cent of the students enrolled at universities were women and in 1992, 40.7 per cent of total enrolment at technical colleges were women. However, in terms of the large number of school leavers at GCE Ordinary and Advanced levels access to higher education is very low and quite inadequate.

Aims of education

106. The main objective of education that guide current national policy has been defined as follows in the report of the Education Reforms Committee - 1979:

> "The aim of education shall be to provide opportunities and facilities to all persons young and old, in order to enable them to acquire knowledge, skills, attitudes and insights conducive to the development of the spiritual, intellectual, emotional and physical aspects of their personalities and to improve their vocational and social competence relevant to the economic needs of the present and national aspirations for the future."

107. Within the broad objective education is expected to provide

(a) An understanding of the environment along with the knowledge, attitudes and skills relevant to the needs of life in a world with limited resources;

(b) Habits needed for a healthy, contented and happy life;

(c) Language abilities and communication skills needed for social living and understanding;

(d) An understanding and an appreciation of the religious and cultural heritage of Sri Lanka;

(e) An understanding and an appreciation of democratic and socialist traditions relevant to the national culture;

(f) Respect for the rights of others;

(g) Respect for the natural environment.

108. The pronouncements of the Government which came to power in 1977 emphasized the need for the educational system to produce "incorruptible men and women" capable of creating a new society based on moral values. It stressed the importance of "imparting primary education in a national and religious environment and making religious education an essential part of education".

109. The First Report of the National Education Commission (sessional paper No. 5 of 1992) stressed its concern over the question of values and stated that "moral and spiritual values must primarily be derived from one's own religion and culture, taught in terms of a commitment to social behaviour" and that "there is a value content in each of the 'disciplines' in the curriculum at all levels. A subject in the classroom becomes a discipline in view of the value it adds to the total development of the human being".

110. Among the priorities for action and the proposals that should be given effect to immediately, "character building" finds mention first. The report states that "self-development and self-improvement which are essential parts of character building are possible if there are: (1) an interest shown in the growing child as an individual, (2) opportunities to perform with due

recognition both as an individual and as a member of a group, and (3) timely, constructive and appropriate feedback about his actions". It recommends that a "structure should be devised within the school to inculcate in the child the idea that there is a genuine interest in him irrespective of his family background and his position in the class".

111. The National Institute of Education has instituted a Department of Value Education to propagate the development of values through classroom disciplines. The development of handouts to teachers on the value content of each of the disciplines and their application in classroom situations at each of the grades and in-service teacher training to equip them for the task have already been undertaken.

Environmental education

112. As a consequence of the emphasis given to environmental education in the report of the Education Reforms Committee of 1979, as a specific objective of education, the subject has been introduced into school curricula at all levels. At the primary level "Our Environment" is one of the seven components in the curriculum for each year from year 1 to year 5. In the secondary school, the approach to environmental education is multidisciplinary and the content is integrated into subjects such as combined science and social studies, among others.

113. Environmental education at primary, secondary and tertiary level education institutions has received greater emphasis and support since the establishment of the Central Environmental Authority which launched a research programme through its National Steering Committee to survey current curricula at all levels from the pre-school sector to the tertiary, to develop syllabuses and teachers' guides, to conduct orientation seminars and workshops for master teachers, teachers and parents, to produce teaching aids and develop lesson material. Work on this project has now been completed. Among the main documents produced are:

(a) A Teachers' Guide for the pre-school sector on how to use environmental themes for the purpose of developing:

(i) Concepts, habits, attitudes and skills that are conducive to good health as well as are environmentally friendly;

(ii) An awareness and appreciation of the immediate environment; and

(iii) The sensory, psycho-motor and aesthetic capacities of young children while imparting language and pre-number skills through related activities;

(b) A Teachers' Guide on methodology to be used in putting into effect the existing syllabuses for primary classes;

(c) An integrated Teachers' Guide and teaching aids for the secondary classes; and

(d) A basic level course title "Man and Environment" for use in tertiary level education institutions. (This is already being used at affiliated universities as a core course.)

Leisure, recreation and cultural activities

114. The emphasis on rapid economic growth and the need to develop a productive and technologically well-equipped workforce may result in a highly stressful environment for children. Such an environment tends to regard the children essentially as inputs of human capital and focuses on the accumulation of knowledge and skills which enable them to make their way in a highly competitive adult world. The school curricula are then geared to this objective and teachers and parents combine to impose a very demanding regime on the children in which performance at tests, examinations and competitions becomes the predominant criteria of capability and success. A regime of this nature could neglect certain needs which are vital for the well-being of children. It can destroy the joy of childhood. Childhood has to be perceived as a stage of life which has to be experienced and enjoyed in all its richness. The family, the school and the community have to work together to identify and satisfy the needs specific to childhood and the enjoyment of childhood, balancing and integrating them with the concern to prepare children for future economic and other civic roles. The world of leisure, play and entertainment performs a critical role in the emotional and spiritual fulfilment of the child. Such fulfilment in childhood or the lack of it has a significant bearing on later adult behaviour and the health and sanity of society as a whole. It should be noted that Sri Lanka has a very high rate of teenage and youth suicides. Students committing suicide when they fail in examinations is not uncommon.

115. The widest network available in Sri Lanka for promoting leisure, recreation and cultural activities is the school system where cultural activities are built into the curriculum through compulsory religious education and aesthetic education up to year 11. Participation in cultural activities is enhanced by the special classes for religious instruction organized on a voluntary basis by religious bodies and non-governmental organizations.

116. The primary school syllabus covering years 1 to 5 includes creative activities, aesthetics, physical education and religion. The report on "Proposals for Educational Reforms" in 1981 makes the following observations on the primary school reforms:

> "At five plus, when a child first goes to school, he enters a social environment which is completely different from the one he has experienced within the home. Consequently, he has to face many problems of adjustment. The curriculum is intended to assist him in making this adjustment and widening his experience. The child also brings to the classroom a store of experience which he has gathered in his first five years. The curriculum has to be organized in such a way as to enable him to draw upon these valuable experiences and express his personality through such natural gifts as miming, acting, dancing, singing, drawing, observing nature and natural phenomena."

117. The primary school timetable provides two hours per week for each of the following activities: physical education, aesthetic studies, creative activity. The junior secondary school curriculum (grades 6 to 9) also includes aesthetic studies, singing, dancing, art, music, sewing and physical education. The provision made in the timetable is three hours for aesthetic studies, two hours for physical education and one hour for library per week.

118. Aesthetic education is compulsory in the schools up to year 11. Children are taught singing, dancing and art, and for the G.C.E. Ordinary Level examination all candidates have to offer one of these three subjects. An important outcome of these activities is the organization of school competitions, exhibitions, cultural pageants and school participation in national events. The curriculum at all levels of school education provides for physical education. Participation in as many as 14-15 different types of sports and athletics, cadeting, scouting and guiding is characteristic of the school system so much so that almost all the schools participate at least once a year in sports events. A variety of these sports activities are conducted at school, divisional, provincial and national levels. Except in football, rugby, cricket and wrestling, female participation is high at all levels according to the school census figures for 1991.

119. Schools organize study tours and excursions for children which combine educational and recreational features. But both lack of financial resources and the constraints imposed by a heavy curriculum prevent schools from exploiting the full potential of this type of activity.

120. The total number of schools in 1992 was 10,042. Only 2,857 schools had playgrounds and 1,798 schools library facilities. Reading as a leisure activity is hardly in vogue. Again in terms of provision for music, art, dancing and physical education, the total number of specially qualified teachers in all four areas was only 5,435 in 1992. Cadeting, boy scouts and girl guides, school bands and literary and other associations too are confined to a small proportion of schools.

121. For the purpose of developing extra-curricula activities the schools are permitted to collect facility fees. The payment is not compulsory and hence only a small amount is collected. The larger schools which serve higher income groups are unable to obtain sufficient funds from facilities to provide adequate extra-curricula programmes. The other source of income to schools is donations received for school development funds and Past Pupils' Association donations. Some of the schools which are better endowed have been able to build swimming pools. Many of the poorer schools are unable to provide even basic requirements such as a playground. Lack of school space for indoor and outdoor programmes has been a great drawback. It has been found that only about 2 per cent of the schools have proper playing fields. Table 5 presents information on the collection of facilities fees and their use.

Table 5

Facilities fees collected and expenditure, by school type

| School type | Fees collected (Rs. million) | Expenditure (Rs. million) | Sports % | Library % |
|---|---|---|---|---|
| 1 AB | 14.45 | 14.49 | 11.2 | 28.5 |
| 1 C | 5.81 | 5.6 | 18.17 | 21.2 |
| Type 2 | 5.08 | 4.9 | 12.14 | 18.4 |
| Type 3 | 1.28 | 1.1 | 9.34 | 11.9 |

122. Libraries have been established by the larger local authorities but these are confined mainly to the urban areas. Initiatives have been taken by the National Library Board as well as by a few NGOs to expand the library facilities and reach out to the rural areas.

123. The audiovisual and print media play a major role in the entertainment and non-formal education of children. The national press contains sections devoted to children. There are a few journals and periodicals in the national languages produced specially for children and these have wide circulation. The literature for children in the national languages both for entertainment and general reading is, however, limited although it has grown in the recent past.

124. From its inception, the State broadcasting services ran programmes which were beamed to children. With the entry of television, the development of television services and the rapid increase in the number of households with television sets, an increasing number of children had access to a new world of knowledge and entertainment. The number of television channels available today in Sri Lanka is six including two Star television channels with a 24-hour BBC telecast. The State has also allowed the private sector to enter the field of broadcasting and two private stations have started to operate. The number of television receivers licensed in 1991 was 512,000. The television services both in the State and the private sector devote considerable time to programmes for children which include entertainment as well as very useful programmes of educational value which widen the child's perspective and enhance the store of knowledge and information. The quality of the programmes, however, is mixed. There has been a significant creative effort both to adapt available foreign programmes as well as produce original programmes for children.

125. Television has exposed the children to a vast diversity of role models, patterns of behaviour, lifestyles and value systems. While these can often have value-enhancing and liberating effects, it can also develop socially undesirable values and attitudes in growing children and lead to a state of moral confusion. Both the Government and the public have shown their concern regarding these problems. The television services are required to be attentive to the potential ill-effects and exercise the necessary restraints, following certain guidelines regarding sex, violence and other features which might be harmful to children. In certain instances censorship is imposed. But controls and regulatory approaches by themselves are inadequate; they can also be counter-productive. The family and the educational system have to deal with these emerging problems, equip themselves for parental and educational guidance and help children to cope with the exposure. This requires programmes which develop the sensibility of children to be critical and selective in responding and absorbing what the world of television has to offer them.

126. Most of the opportunities for recreation and entertainment are to be found in the Colombo metropolitan area and the large provincial cities. The National Museum is in Colombo city; there are no well-equipped museums in other cities. The single zoo in the country is in a suburb of Colombo city. The local authorities of the larger urban centres have paid some attention to children's needs in the parks but there is no evidence that there has been any special effort to identify and serve the recreational needs of children.

Neither the State nor the private sector has invested in places of entertainment and recreation specially designed for children. Circuses and carnivals are occasionally available but professional circuses would have to be operated and would be costly. Therefore, both in terms of quality and quantity, the world of entertainment and recreation available for the child needs to be improved and diversified.

## VII. SPECIAL SITUATIONS

### Child labour

127. The prevailing legislation in Sri Lanka on child labour is in conformity with the relevant articles of the Convention. As mentioned in section III, there are various legal provisions which stipulate different minimum ages of employment depending on the nature of the work and the time during which the child is to engage in such work. The provisions under the Employment of Women, Young Persons and Children's Act of 1956 go into detail such as prohibiting employment before the close of school on any day on which he is required to attend school, at any time between 8 a.m. and 6 p.m., for more than two hours on any day on which he is required to attend school, or for more than two hours on any Sunday or in any occupation which is likely to be injurious to his life, limb, health or education. These provisions imply that the law allows children to be employed under certain conditions which do not violate the requirements that are specified. The regulations that have been framed under the law permit employment of children by parents or guardians in light agricultural or horticultural work, or in employment supervised by public authority and imparting any technical education or training for the purpose of any trade or occupation. There is absolute prohibition in regard to certain specified occupations.

128. Although the existing legislation seems to be quite adequate to protect children from being employed and exploited for their labour, a significant number of children below the age of 14 appear to be employed. According to the Labour Force Survey of the first quarter of 1990 (Department of Census and Statistics), 82,000 in the age group 10-14 are employed of whom 46,000 are male and 36,000 female. About 70 per cent of the male children are unpaid family workers while only 42 per cent of female children are in this category. A significant proportion of those employed outside the family are likely to be working as domestic servants. There are, however, no accurate estimates as it is unlikely that households employing children under 14 years of age would disclose such information readily. Enforcement of the law is difficult. At present the Department of Probation and Child Care has no authority to conduct investigations in regard to child labour by inspecting households, unless they are accompanied by police officers. The Department has launched a programme of public awareness to inform households of the existing legal provisions relating to child labour and to sensitize them to the human cost of child labour. These programmes have revealed that not all households are aware that they are violating the law in employing children under 14. In Sri Lanka families in conditions of extreme poverty may want their children to work in households in order to obtain various benefits from the arrangement; sending children as domestic servants to rich households is part of a complex patron-client relationship.

129. Unpaid family work is an important component of the child labour force, particularly among the males. There is no legislation to compel parents to send children under 14 to school and in this situation poor households dependent on family labour are likely to draw on their children. Drop-out rates and absenteeism in schools may be partly due to the demand for unpaid family labour on a regular or seasonal basis in the rural areas. Children will be used during times when the demand for labour peaks as in the case of the cultivation season and the harvesting season. The possibility of adjusting school holidays to such peak demands of labour has often been discussed but there has been no definite policy decisions taken. The regular employment of children occurs mainly in the informal sector in family enterprises, both agricultural and non-agricultural, such as family farms, crafts, small trading establishments and eating houses, and repair workshops. In these enterprises the employed children also learn the skills required for these occupations. Their labour is therefore a combination of an informal apprenticeship with labour. The complex social structures which sustain child labour in these situations, both of the paid as well as the unpaid type, are not easily amenable to straightforward law enforcement. There has been no comprehensive survey of child labour to identify its socio-economic characteristics. Such a survey is a prerequisite for designing policies and strategies to deal effectively with this problem.

Drug abuse

130. Drug addiction is a relatively new problem and is fast assuming proportions which are causing serious concern. The incidence of drug addiction is reported to be rising among adolescents and young persons although it does not appear to be a problem in the age group under 15. Several recent studies, however, reveal that nearly 3 per cent of children have their first experience of drug abuse (cigarette smoking) before the age of 12. It is therefore likely that the use of drugs is more common than has been observed. Serious attention is being paid by both Government and NGOs to combat the problem. The National Dangerous Drugs Board supported by several NGOs who are active in this area have undertaken programmes of prevention, public education and rehabilitation of users. These are combined with efforts to investigate the causes of drug addiction in the Sri Lankan context and get a fuller understanding of the problem to make the preventive action more effective.

Child prostitution

131. The incidence of child prostitution, which has increased in the recent past, has been causing grave concern to both the Government and the public. One of the main causes has been the rapid growth of tourism. The victims have been mainly male children. The Department of Probation and Child Care in collaboration with the Ministry of Education and the Tourist Board has been implementing public information and awareness programmes to combat child prostitution. Each programme deals with 100 school drop-outs and their parents. The children and parents are, first, addressed as one group. Thereafter the discussions are organized with the children and parents separately in smaller groups where problems are discussed more intensively and intimately. The NGOs also have been quite active in this field and their efforts in one region have been quite helpful in controlling child prostitution.

132. The existing law contains provisions for the protection of children against sexual exploitation. Male and female prostitution, homosexuality and sexual exploitation of children are penal offences in Sri Lanka. The Penal Code and the Children and Young Persons Ordinance, however, refer only to prostitution of female children and do not cover male child prostitution. The main provisions pertaining to sexual abuse of children are the following:

(a) The Penal Code stipulates that a man having sexual intercourse with a girl under 12, whether with or without her consent, commits rape. The penalty for rape is a sentence of imprisonment which may extend up to 20 years;

(b) A man who has or attempts to have carnal intercourse with a girl of or above 12 years and under 14 years is guilty of a criminal offence which is punishable with imprisonment extending up to 12 years;

(c) The Penal Code also provides that the procuration of a female under 21 years to leave the country whether with or without her consent for the purpose of illicit sexual intercourse or to bring into the country any person for such purpose or to procure any girl or woman to become a common prostitute or an inmate of a brothel for purpose of prostitution is an offence punishable with imprisonment which may extend up to two years;

(d) Under the Children and Young Persons Ordinance (1939) a person who having the custody, charge or care of a girl under 16 years causes or encourages seduction or prostitution of such girl or allows persons under 16 years to reside in or frequent a brothel is guilty of an offence.

133. Male sexual molestation is covered under other provisions of the Penal Code. Under section 365 of the Code, unnatural offences and carnal intercourse against the order of nature with man, woman or animal is punishable with imprisonment which can extend up to 10 years. Homosexuality and acts of gross indecency between male and male are punishable with imprisonment up to two years. Male child prostitution could be brought under these provisions. Both the existing law and its enforcement have to be further strengthened to deal with the problems of sexual abuse and exploitation including the use of children for pornographic purposes. At present, offences relating to the use of children for pornographic purposes comes under the Act.

134. The Technical Committee which has been appointed by Government to examine and propose revisions to the legislation on child abuse have examined all the relevant areas and submitted their recommendations. These covered the gaps and deficiencies that have been discussed above. The Committee, after considering whether it would be appropriate to introduce a separate act dealing with sexual offences, has taken the view "that retaining and expanding the sexual offences in the Penal Code would assist law enforcement and ensure that priority would be given to the subject of sexual violence". Among its recommendations it makes mention of child victims of exploitation and expressly recommends that they be treated as protected persons and not placed with offenders. Government has accepted the main recommendations of the Committee and legislation is in the process of being drafted. In addition to the revision of the various existing laws dealing with specific offences, a Children's Act which consolidates all laws pertaining to children with the

necessary revisions and amendments is also being prepared. A separate section is being incorporated in the Children's Act to deal with sexual exploitation and abuse of children.

Trafficking, abduction and kidnapping

135. The general law on the subject is contained in the Penal Code, which also has some special provision in respect of children. The kidnapping of a male under 14 years or a female under 16 years from lawful guardianship is an offence punishable with imprisonment which may extend up to seven years. It is also an offence to kidnap or abduct a child under 10 years with the intent of taking dishonestly any movable property from such child. The penalty for that offence is also imprisonment extending up to seven years.

Street children

136. The number of homeless children who live in large cities has been estimated at about 10,000. They are predominantly in the age group 6-15 and belong to families who have no homes and find temporary shelter in arcades of buildings, street pavements and similar places. Most of these children are drop-outs from primary school. A significant proportion has not had any schooling. The Department of Probation runs a State institution to provide care and protection and to rehabilitate these children. Several NGOs have programmes aimed at rehabilitating street families, providing health care and facilities for skill development. The combined efforts of these NGO programmes reach as yet only a small proportion of this disadvantaged group - approximately 15 per cent. The Department of Probation has prepared plans for establishing rehabilitation centres on a larger scale. These centres are expected to provide a wide range of services which will include food, clothing, general education and vocational training.

Children of migrant parents

137. The rapid increase in the migration of women for employment abroad has created another special situation in which the care of young children is adversely affected. There are no firm estimates of the female migrant population so employed but from sample surveys that have been conducted the figure may well exceed 200,000. In 1992 the Foreign Employment Bureau estimated that approximately 124,000 persons secured employment abroad through licensed agencies. A large number have also migrated through informal channels. For purposes of ascertaining the population abroad however the number returning after completing their contracts of employment have to be accounted and for them there are no accurate estimates. The majority of these migrants are married females from low-income families. However, the proportion of them with children below five years of age appears to be small.

138. The empirical evidence from surveys indicates that the majority of families of migrant women have been able to adjust to the separation satisfactorily and that they have had the support of the extended family, including grandparents and close relatives, for the care and guardianship of children. However, there are instances, particularly in the poor urban areas, where migration has led to a serious decline in the quality of care of infants and young children left behind. While NGOs have been active in this area to

provide some support and relief, there has been no systematic effort to identify this group of disadvantaged children and deal with their problems effectively.

Disabled children

139. Disabled children fall into the category of physically and mentally impaired; the crippled, deformed, deaf and blind and mentally retarded are included. It is estimated that about 4 per cent of all children in Sri Lanka are disabled. In 1991, about 5,000 of them were treated in 52 centres in the country run by the Government and NGOs. Surveys revealed that about 70 per cent of all disabled required medical care and attention. Traditionally, the provision of such care has been a family responsibility, but due to factors such as poverty, lack of knowledge and the need for specialized facilities to rehabilitate them at home, NGOs and the State have undertaken the responsibility for a small proportion of this group.

140. Several institutions have come forward to extend a helping hand. These institutions are given a grant of money by the State. At present a per capita maintenance allowance is provided by Government to voluntary organizations. The per capita maintenance grant at the moment is Rs. 120 per month. This is not sufficient to cover the costs, and institutions have to raise their own funds to cover the deficit. The homes are mostly residential. At present there are 52 such homes for children suffering from severe impairments. A breakdown of the 52 institutes according to specialized functions is as follows:

(a) Centres with vocational training facilities for physically and mentally handicapped: 33;

(b) Day care centres with such facilities: 3;

(c) Residential centres for vision and hearing impaired: 16; total inmates: 52 males and females.

141. It is estimated that there are at least 50,000 such persons needing treatment in such centres but only about 1 per cent have sought the services of these centres. The main cause is the geographical distribution of the centres; they are mainly concentrated in the larger cities.

142. There is a National Co-ordinating Committee for the Disabled for the monitoring and coordination of the activities in this area. It has been reconstituted after the functions had been devolved to Provincial Councils. The Task Force on the Formulation of the National Health Policy comments on the non-availability of basic eye care at the primary level and the gross inadequacy of the services for the deaf and dumb. It stresses the "paramount need for effective methods of prevention and early detection of disability and impairment". Among other recommendations, it proposes National Policy Plans for the different categories of the disabled and the strengthening and expansion of the services with the necessary diagnostic and therapeutic inputs.

143. The needs of disabled children have assumed high priority on the Government's social development agenda. Article 12 (4) of the Constitution

allows affirmative action in the form of special legislation and executive action for the advancement of the disabled. Policy makers have realized that past efforts to deal with the problems have been organized in a piecemeal manner and that there is now need for a more integrated and comprehensive approach. There has been a shift of emphasis towards community-based rehabilitation. The Ministry of Social Services and Rehabilitation has appointed a technical working group to prepare legislation for the disabled which would provide a National Council for the Disabled with a trust and specific powers for the Minister handling the subject. Government's objective is to bring in legislation in all the relevant sectors - education, employment, health, transport, housing - which takes account of the special needs of the disabled. The Government has also prepared a National Plan for Disabled Children which addresses many of the areas which need strengthening and had been relatively neglected in the past.

Child victims of armed conflict and refugees

144. The number of displaced persons registered with the Ministry of Rehabilitation, Reconstruction and Social Welfare is approximately 600,000 from about 165,000 families. They are housed in 544 welfare centres in various parts of the country. The number of children in this group is estimated at around 400,000. These children are in various situations of deprivation and hardship. Some of them are orphaned or separated from their parents. Many of them have either been victims of violence themselves or witnessed brutal acts of violence including the death of a parent or loved one. Others who are with parents or relations are deprived of regular schooling.

145. The Government has taken several measures for the amelioration of conditions and is working in close collaboration with international NGOs and agencies such as ICRC and UNHCR. The prevailing situation has caused serious hardships to children in the areas affected by the conflict. The Government has ensured the regular supply of essential goods including food and pharmaceuticals. But for security reasons there is a scarcity of goods such as fuel; electricity from the national system is not available in the peninsula.

146. A special effort is being made to meet the needs of children in varying situations. A significant proportion of these families will not be in a position to return to the localities and homes from which they have been displaced. The task of rehabilitating them and providing them with the basic necessities of life has posed major problems. In the case of the children there are several urgent needs that have to be met. These include the special health and nutritional needs of infants and pre-school children, education for children of school age, care and rehabilitation for children traumatized by violence and deprivation of parents, and restoration to homes and families in the case of children who have been separated from parents or lost them. The Ministry of Rehabilitation, Reconstruction and Social Welfare is entrusted with the responsibilities for the care and rehabilitation of refugees. The Government is working closely with NGOs to provide the basic needs of households including the special needs of children. Several programmes have been initiated to deal with problems of traumatized children and children separated from parents.

147. However, the magnitude and complexity of the problems are such that a sustained effort over a long period will be required to deal with them effectively. There is no doubt that as a result of the armed conflict the quality of the coverage of the services in the area that have been affected have suffered. For example, reports indicate that registration of deaths is incomplete. The expanded immunization programme has lower coverage than the national average and the incidence of diseases affecting children such as polio, which is close to eradication in other parts of the country, is higher in the affected regions. The recent socio-economic surveys that have been conducted by the Central Bank and the Department of Census and Statistics on a national basis have not covered the North and East and data on many critical social and economic indicators are not available for the recent period.

Children in conflict with the law

148. The law relating to the administration of juvenile justice is contained primarily in the Children and Young Persons Ordinance enacted in 1939. This Ordinance applies to persons under the age of 16 years.

149. Provision for the detention of youthful offenders (those between 16 and 22) is found in the Youthful Offenders (Training Schools) Ordinance also enacted in 1939. Probation of offenders, including juvenile offenders, is governed by the Probation of Offenders Ordinance of 1944. The Penal Code, Code of Criminal Procedure Act and the Prisons Ordinance also contain some special provisions applicable to juvenile offenders.

150. The Children and Young Person's Ordinance defines a "child" as a person under the age of 14 years and a "young person" as a person who has attained the age of 14 years and is under the age of 16 years. This Ordinance provides for the establishment of juvenile courts for the hearing of any charge against a child or young person, except where the alleged offence is murder, culpable homicide not amounting to murder, attempt to murder, attempt to commit culpable homicide or robbery. Juvenile Courts, presided over by a Children's Magistrate, are required to sit in a different place from where other courts sit. The Children's Magistrate is required to explain the substance of the alleged offence in simple language. Where the offence is an indictable one, the offender is given the option of being tried by the Juvenile Court or a higher court. In deciding how to deal with an offender found guilty, the Juvenile Court is required to take into consideration the available information and circumstances of the offender, including a report of a probation officer.

151. Children and young persons are required to be detained separately from adult offenders. Young suspects who are not granted bail are committed to remand homes or to the care and custody of a fit person. They cannot be committed to a prison. Parents of juvenile offenders are required, wherever possible, to attend all court proceedings relating to their children. Prior to producing a juvenile offender in court, the police are required to notify a probation officer who shall make necessary investigations regarding the home surroundings, school record, health and character of the offender and make such information available to court.

152. The Ordinance provides for the establishment of remand homes, certified schools and approved homes for the detention of persons coming within its

purview. The ordinance prohibits the imprisonment of children. Young persons may be committed to prison only if the court certifies that they are of such unruly or depraved character that they cannot be detained in a remand home or a certified school.

153. The sentencing options available for young offenders include:

(a) Discharge after due admonition;

(b) Delivery to parent or guardian on executing a bond that they would be responsible for the good behaviour of the offender;

(c) Placing the offender on probation;

(d) An order placing the offender in charge of a fit person, approved home or certified school;

(e) Imposition of fine;

(f) Corporal punishment in the form of infliction of 6 strokes with a light cane for male juvenile offenders;

(g) Detention during the President's pleasure in lieu of sentence of death;

(h) Imprisonment in an adult prison subject to certain restrictions;

(i) Conditional discharge;

(j) Suspended sentences of imprisonment;

(k) Community service in lieu of imprisonment.

154. The Prison Ordinance provides for the separation of juvenile prisoners from adult prisoners.

155. The existing law pertaining to children in conflict with the law is in keeping with the articles of the Convention. In practice, however, there are several gaps and deficiencies in observance of the law and enforcement. The provision that special Juvenile Courts deal with offences of children and young persons has not been given effect to on a countrywide basis. There is only one Juvenile Court and that is in Colombo. The delays that occur frequently in the adjudication of cases have adverse consequences on juvenile offenders, particularly when they have not been released on bail and are sent to remand homes pending trial. Interruptions in their normal schooling will then be a serious consequence of the law's delays when dealing with juvenile offenders. The separation of juveniles from adults during remand is also not always strictly observed. Juveniles are sometimes escorted with adults who are remanded. Another undesirable practice which needs urgent correction is that of placing children who are taken into police custody for reasons other than criminal offences together with those who have committed offences. The Government has appointed a Technical Committee on Juvenile Delinquency which

has completed its work. It has addressed the shortcomings and problems that have been discussed above and has submitted its recommendations. The Government is preparing the necessary legislation.

Rehabilitation of juvenile offenders

156. The rehabilitation of juvenile offenders on probation or in custodial care is administered by the Department of Probation and Child Care. Juvenile Offenders have been rehabilitated in four certified schools which are State institutions and in an approved school which is a registered voluntary institution run by the Catholic Church with State assistance. Before admission to these schools delinquent children are placed in remand homes, of which there are four in number. They are not detained along with adult offenders. Government is considering a proposal to commence a well-advanced vocational training programme in the certified school at Hikkaduwa. Several new trades have been introduced to the female delinquents at Rammuthugala certified school. Formerly these inmates had been trained only in home science and handicrafts. Much emphasis is laid on the vocational programmes which are carried out in the certified schools for the rehabilitation of the juvenile offenders. The children who leave the schools are provided with tool kits to enable them to start self-employment.

157. The area of juvenile delinquency is one which needs close attention. The capacity of existing institutions, the training needs of the staff responsible for the rehabilitation of young offenders both on probation as well as in custodial care, the methods of rehabilitation and the follow-up of cases are all aspects of the care and rehabilitation of juvenile offenders which require continuous evaluation and improvement.

## VIII. GENERAL MEASURES OF IMPLEMENTATION

158. The implementation of the Convention on the Rights of Children has to be placed within the socio-economic and political context and the constitutional framework that have been discussed in section I and the main text of the report. The socio-economic and political developments that have been very briefly outlined are relevant for the observance and implementation of most of the articles of the Convention, whether they be civil rights and freedoms, articles pertaining to standards of living, entitlement to health care and education or the satisfaction of basic needs. The presence of a literate, politically conscious population, the improvement in the status of women, an extensive social welfare system and an ideology which is protective of vulnerable groups, including children, all create the general conditions which are favourable for the effective implementation of the Convention on the Rights of the Child.

159. Several initiatives have already been taken by the Government to implement the Convention. The Government ratified the Convention in July 1991. The provisions of the Convention have been embodied in a Children's Charter which has further emphasized and elaborated some of the articles of the Convention which have special significance in the Sri Lankan context, such as the protection and strengthening of the family unit, parental guidance, religious education, adoption. Simultaneously, the Government has undertaken a review of existing legislation which relates to children with the

objective of removing anomalies and inconsistencies and further strengthening the legal framework for the protection and promotion of the welfare of children.

160. Between 1991 and 1993 the Government has organized a coordinated effort to review the existing legislation relating to children, remove inconsistencies and strengthen the legislation for the protection of children in a wide range of vulnerable situations. Three technical committees were appointed to deal with (a) child abuse; (b) child labour; and (c) juvenile delinquency. The committees have completed their work and have submitted report which have been considered by the Cabinet and have been approved for the drafting of legislation. In the first phase action will be taken to make amendments to existing legislation, to strengthen the relevant legal provisions and include new provisions where necessary. Eventually, the Government expects to consolidate the amended and revised legislation in a Children's Act which would be the legal cornerstone for the protection of children. At the current rate of progress, it should be possible to achieve this objective before 1996. There have been several other practices initiated for the specific purpose of protecting children's rights such as establishing a special police desk to deal with complaints of child abuse and violence against women.

161. A National Committee for the Monitoring of the Rights of the Child, adequately representative of various government agencies and including members drawn from outside the Government, has been established in accordance with article 40 of the Convention. One of its main tasks would be the monitoring of the implementation of the Action Plan for Children. The Government formulated the Action Plan for Children in Sri Lanka in 1991 which seeks to address the problems faced by children below 15 years of age through programmes and measures to be implemented over a five-year period - 1992-1996. The implementation of the Plan is coordinated and monitored by the Ministry of Policy Planning and Plan Implementation. In both the work of the Committee and the implementation of the Action Plan, the UNICEF continues to be closely involved.

162. An NGO forum has been established to work closely with the Government and the international agencies on issues pertaining to children's rights as well as on monitoring the implementation of the Action Plan. The activities of the NGOs in support of the Convention have covered a wide field; they include training and education in human rights with special attention to children's rights, public awareness programmes and participation in the Government's initiatives for revising legislation.

163. The constitutional changes and the establishment of Provincial Councils have created conditions in which the local and regional needs will receive much closer attention and Government brought much closer to the people. In the transitional stages, however, many problems appear to have arisen and programmes such as those of the Department of Probation and Child Care appear to have suffered as a result of the lack of clarity in the division of responsibilities between the national and provincial levels. The system of devolution which was introduced in the second half of the 1980s is as yet in a formative stage and many of these problems are likely to be resolved as the

system matures. Meanwhile, in defining the responsibilities for the implementation of the Action Plan for Children Government would need to deal with the problems that have arisen with devolution.

164. The Government has been especially attentive to the need to promote public awareness on the entire range of issues relating to children's rights and needs. Public awareness programmes have been conducted to inform and sensitize the public on particular aspects of children's rights, such as child labour. The programme on child labour has evoked a wide public response. The subject of human rights, more specifically children's rights, is infused into early studies in the school curriculum in the secondary grades. The primary grades curriculum is now being revised and human rights, more specifically child rights, will be infused into selected subjects.

165. Measures have been taken to mobilize broad-based political support for the promotion and protection of children's rights. A parliamentary subgroup has been formed for this purpose. The national press and the audio-visual media, both government and private, generally give wide publicity to issues relating to the well-being of children. Therefore, the Convention on the Rights of Children and the Children's Charter have been the subject of special media coverage. The Conference on Children for the South Asian Region convened by the South Asian Association for Regional Cooperation (SAARC) was held in Colombo in 1992 and became an important public event which received a great deal of public attention.

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